

The City Record

Official Publication of the Council of the City of Cleveland



February the Third, Two Thousand and Ten

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
 Momyka 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 – _____, 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 – Omayra G. Feliciano, Acting 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 Vaus.

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 Down-
 ing, 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

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Vol. 97

WEDNESDAY, FEBRUARY 3, 2010

No. 5017

CITY COUNCIL

MONDAY, FEBRUARY 1, 2010

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland

The City Record is available
online at

www.clevelandcitycouncil.org

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 1, 2010

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

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

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

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

MOTION

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

PLAT

File No. 109-10.
Council Member Conwell (Ward 9), Circle 118 Subdivision No. 1 Review and Approval Plat. East 118th Street and Euclid Avenue.

Approved by Planning Director.
Approved by Committees on City Planning, Public Service. Received.
Without objection, Plat approved. Yeas 18. Nays 0.

COMMUNICATIONS

File No. 142-10.
From Cleveland Clinic Foundation ("CCF") — Notice of Operations for calendar year 2009. Received.

File No. 143-10.
From S & P Data Ohio, LLC. Contract #69854, Central Business District Job Creation Incentive Grant Program, Economic Development Agreement. Received.

File No. 144-10.
From Office of Equal Opportunity — Denials of Certifications by Quarter — Year 2009. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 145-10.
Re: #4189190 — C2, New Application — Jabco Inc., of Cleveland II, d.b.a. Jabco Gas, 7310 Broadway Avenue. (Ward 12). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 146-10 — Leona Custer Knight.

Res. No. 147-10—Michelle Linett Butler.

Res. No. 148-10—Mary Alice Benton.

Res. No. 149-10—Marie Jones.

Res. No. 150-10—Don Gagliardi.

CONGRATULATION RESOLUTIONS

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

Res. No. 151-10—Stockyard Community Elementary.

Res. No. 152-10—Warren Johnson.

Res. No. 153-10 — Cleveland Jazz Orchestra.

Res. No. 154-10 — Spurgeon Westbrooks.

RECOGNITION RESOLUTIONS

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

Res. No. 155-10—Sandra Pinalto.

Res. No. 156-10—David J. Hooker.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 127-10.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Fairview Hospital to encroach into the public right-of-way beneath Lorain Avenue and West 176th Street by installing, using, and maintaining a 4-inch fiber optic cable duct bank.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Fairview Hospital, 18101 Lorain Avenue Cleveland Ohio 44111 ("Permittee"), to encroach into the public right-of-way beneath Lorain Avenue and West 176th Street by installing, using, and maintaining a 4-inch fiber optic cable duct bank, at the following location:

Encroachment Area 0.0731 Acre
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 13, being more definitely described as follows;

Beginning at the intersection of the northerly right of way of Lorain Road (80 feet wide) and the easterly right of way of West 176th Street (50 feet wide);

Thence, along the northerly right of way of Lorain Road, North 86° 05' 27" East, 5.42 feet;

Thence, leaving said right of way, South 01° 18' 39" East, 80.08 feet to the southerly right of way of Lorain Road;

Thence, along the southerly right of way of Lorain Road, South 86° 05' 27" West, 15.02 feet;

Thence, leaving said right of way, North 01° 18' 39" West, 231.97 feet;

Thence North 88° 41' 21" East, 15.00 feet;

Thence South 01° 18' 39" East, 43.93 feet to the easterly right of way of West 176th Street;

Thence along the easterly right of way of West 176th Street, South 01° 34' 27" West, 107.66 feet to the point of beginning.

Containing within said bounds 0.0731 acres (3,184 square feet) of land.

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

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

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

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

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

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

Ord. No. 128-10.

By Council Member Brady.

An emergency ordinance designating McKinley Elementary School 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 McKinley Elementary School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of McKinley Elementary School as a landmark; and

Whereas, the Commission has recommended designation of McKinley Elementary School 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 McKinley Elementary School, whose street address in the City of Cleveland is 3349 West 125th Street, Cuyahoga County Auditor's Permanent Parcel Number is 021-24-075, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot Numbers 193 through 207 both inclusive and Sublot Numbers 232 through 246 both inclusive in the Lenox Park Allotment as shown by the recorded plat in Volume 23 Page 11 of Cuyahoga County Map Records be the same more or less but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys

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

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

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

Ord. No. 129-10.

By Council Member Brady.

An emergency ordinance designating Mount Calvary Evangelical Lutheran Church and School 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 Mount Calvary Evangelical Lutheran Church and School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of Mount Calvary Evangelical Lutheran Church and School as a landmark; and

Whereas, the Commission has recommended designation of Mount Calvary Evangelical Lutheran Church and School 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 Mount Calvary Evangelical Lutheran Church and School, whose street addresses in the City of Cleveland are 12800-12898 Lorain Avenue, N.W., Cuyahoga County Auditor's Permanent Parcel Numbers are 021-27-032 and 021-27-033, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of Sublot Numbers 782 through 786 both inclusive in the Lenox Park Allotment as shown by the recorded plat in Volume 23 Page 11 of Cuyahoga County Map Records and Sublot Numbers 1 through 5 both inclusive of Block Number 1 in the Settlement Property Company Lorain Villas Allotment as shown by the recorded plat in Volume 59 Page 16 of Cuyahoga County Map Records and the Southerly 10 feet of Lorain Court, N.

W. (20 feet wide) vacated by the Council of the City of Cleveland by Ordinance Number 943-55 be the same more or less but subject to all legal highways.

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

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

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

Ord. No. 130-10.

By Council Member Brady.

An emergency ordinance designating Nathaniel Hawthorne School 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 Nathaniel Hawthorne School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of Nathaniel Hawthorne School as a landmark; and

Whereas, the Commission has recommended designation of Nathaniel Hawthorne School 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 Nathaniel Hawthorne School, whose street address in the City of Cleveland is 3575 West 130th Street, Cuyahoga County Auditor's Permanent Parcel Number is 018-01-108, and is also known as the following described property:

Situated in the City of Cleveland (formerly the Village of West Park), County of Cuyahoga, and State of Ohio, and known as being Sublots 872 through 879 both inclusive and 920 through 927 both inclusive and a block of land deeded to the Board of Education in Volume 1814, Pages 103, 105, and 106 as shown in the Crawford Land Company's Subdivision No. 2 of original Rockport Township Section No. 11 recorded in

Volume 61, Page 20 of Cuyahoga County Map Records and bounded and described as follows:

Beginning at the intersection of the north right of way of Linnet Avenue, S.W. (50 feet wide) and the east right of way of West 130th Street (60 feet wide); thence Northerly along said east right of way of West 130th Street 457.86 feet to the northwest corner of Sublot Number 927 in said Crawford Land Company's Subdivision No. 2; thence Easterly 210 feet along the north line of Sublot Number 927 and Sublot Number 872 in said Subdivision to its intersection with the west right of way of West 129th Street (50 feet wide); thence Southerly along said west right of way of West 129th Street (50 feet wide) 457.86 feet to its intersection with said north right of way of Linnet Avenue, S.W. (50 feet wide); thence Westerly along said north right of way of Linnet Avenue 210.00 feet to its intersection with said east right of way of West 130th Street and the place of beginning.

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

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

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

Ord. No. 131-10.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the CDBG Year 36 under Title I of the Housing and Community Development Act of 1974, for the 2010 Federal HOME Grant Program, Emergency Shelter Grant Program, and the Housing Opportunities for Persons with AIDS 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 Community Development is authorized to apply for and accept grants from the U. S. Department of Housing and Urban Development (HUD) in the following approximate amounts: \$25,120,000 to

conduct the 2010 Year 36 Community Development Block Grant Program; \$6,763,000 to conduct the Federal HOME Grant Program; \$1,150,000 to conduct the Emergency Shelter Grant Program; and \$960,000 for the Housing Opportunities for Persons with AIDS (HOPWA) Program, for the purposes set forth in the budgets and according thereto and in compliance with the requirements of Title I of the Housing and Community Development Act of 1974 and applicable rules and regulations. That the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grants, and that the funds are appropriated for the purposes set forth in the budgets for the grants.

Section 2. That the budgets for the grants, placed in File No. 131-10-A made a part hereof as if fully rewritten herein, are approved in all respects.

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

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

Ord. No. 132-10.

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

An emergency ordinance to amend Section 1 of Ordinance No. 552-09, passed June 1, 2009, relating to appropriating Community Development Block Grant, CDBG American Reinvestment & Recovery Act, and NEF Administrative Costs funds for administrative expenses of the Department of Community Development; and authorizing contracts.

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

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

Section 1. That Section 1 of Ordinance No. 552-09, passed June 1, 2009, is amended to read as follows:

Section 1. That Community Development Block Grant funds in the amount of **\$3,980,000** from Fund Nos. 14 SF 033, 14 SF 034, and 14 SF 035, CDBG ARRA funds in the amount of \$465,225 from Fund No. 14 SF 820, and NEF administrative funds in the amount of \$24,228 from Fund No. 10 SF 808 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$3,769,453
Other	700,000

Section 2. That existing Section 1 of Ordinance No. 552-09, passed June 1, 2009, is repealed.

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

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

Ord. No. 134-10.

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

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

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the fuel system at the Division of Motor Vehicle Maintenance (the "Improvement"), for the Division of Motor Vehicle Maintenance, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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

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

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

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

Section 5. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, and 20 SF 524, Request No. RQN-4005-RL-2010-4.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 135-10.

By Council Members Polensek, J. Johnson, Zone, Brady, Westbrook and K. Johnson.

An emergency resolution urging the State of Ohio, the City of Cleveland, and other government entities to enter into discussions with the Commissioners of the Cleveland Metroparks to allow Cleveland Metroparks to acquire the publicly owned land along Lake Erie currently owned by various governmental subdivisions, thereby creating a real regional "Emerald Necklace".

Whereas, there is an estimated 650 acres of publicly owned property along eight miles of Cleveland's lakefront, including Edgewater Park, Whiskey Island, Wendy Park, Voinovich Park, Northcoast Harbor, East 55th Street Marina, Gordon Park, Dike 14, Euclid Beach, Villa Angela Beach, and Wildwood Park; and

Whereas, these public parks and recreation areas are owned and operated by several different public entities, including the State of Ohio, the City of Cleveland, Cuyahoga County and the Port Authority; and

Whereas, none of these government entities has the available funds to adequately manage, maintain and/or expand their park and recreational facilities; and

Whereas, for example, the Cleveland Lakefront State Park System comprises a large part of the above-mentioned lakefront land from Edgewater Park to Wildwood operated by the State of Ohio; and

Whereas, for the past several years, Ohio State government has

decreased funding for the state parks; currently the extensive Cleveland Lakefront State Park System is patrolled by only one park ranger per shift and grass cutting and basic maintenance are at a bare minimum standards; and

Whereas, the Cleveland Metroparks System successfully manages more than 22,000 acres of parkland in greater Cuyahoga County, dubbed the "Emerald Necklace"; and

Whereas, this Council believes that discussions of regionalism should include discussions of an expansion by the Cleveland Metroparks System of this stretch of publicly owned land bordering Lake Erie that is not included in the present "Emerald Necklace" and that is presently operated by these varying governmental subdivisions; and

Whereas, the Cleveland Metroparks System is committed solely to developing, managing and improving public parkland, greenspace and zoological facilities; and

Whereas, this Council believes that the Cleveland Metroparks System is the perfect government entity that has proved itself capable of developing and maintaining this magnificent stretch of publicly owned lakefront land; and

Whereas, Cleveland Metroparks should be allowed to acquire the lakefront parks that would once and for all create a regional Emerald Necklace; 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 the State of Ohio, the City of Cleveland, and other government entities to enter into discussions with the Commissioners of the Cleveland Metroparks to allow Cleveland Metroparks to acquire the publicly owned land along Lake Erie currently owned by various governmental subdivisions, thereby creating a real regional "Emerald Necklace".

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to The Honorable Judge Anthony Russo, Probate Court of the Cuyahoga County Common Pleas, The Honorable Ted Strickland, Governor, State of Ohio, the Cuyahoga County Commissioners, the Ohio Legislature, and the Cleveland-Cuyahoga Port Authority.

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.

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

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

Ord. No. 136-10.

By Council Member K. Johnson.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Buckeye Area Development Corporation for the Land Reutilization Program through the use of Ward 4 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with Buckeye Area Development Corporation for the Land Reutilization Program for the public purpose of cleaning vacant and blighted land parcels in the city of Cleveland in order to arrest deterioration and blight through the use of Ward 4 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$45,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

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

Res. No. 133-10.

By Council Members Polensek, J. Johnson and Miller.

An emergency resolution supporting Councilperson Polensek and the Collinwood community in their efforts to keep Ginn Academy in its present location at the former Margaret Spellacy School on East 162nd Street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 1.

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

Those voting nay: Council Member Conwell.

Absent: Council Member Cummins.

Res. No. 137-10.

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

dence Road and repealing Resolution No. 1790-09, objecting to said permit.

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

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

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

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

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

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

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

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

Res. No. 138-10.

By Council Member K. Johnson.

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

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

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

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

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

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

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

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

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

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

Res. No. 139-10.

By Council Member Kelley.

An emergency resolution objecting to a New C1 Liquor Permit at 4915 Memphis Avenue.

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Ridge Road Supermarket, LLC, 4915 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 73654880010; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies

of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

Res. No. 140-10.

By Council Member Mitchell.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 10300 Union Avenue, and repealing Resolution No. 1147-09, objecting to said renewal.

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

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

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

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

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

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

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

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

Res. No. 141-10.

By Council Member Zone.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 5009 Detroit Avenue, and repealing Resolution No. 1521-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 5009 Detroit Avenue by Resolution No. 1521-09 adopt-

ed by the Council on October 19, 2009; and

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

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

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

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

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

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

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

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 1711-09.

By Council Members Brady and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service, for a period of one year.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

MOTION

By Council Member Dow seconded by Council Member Mitchell, and unanimously carried, that the absence of Council Member Brian J. Cummins be and is hereby authorized.

MOTION

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



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 27, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 27, 2010, at 10:38 a.m. with Acting Director Langhenry presiding.

Present: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

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

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

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

Resolution No. 26-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 1012-05, passed by the Cleveland City Council on July 13, 2005, the City of Cleveland, through the Director of Public Utilities, entered into an agreement with The Structure Group, LLC City Contract No. 65698, to provide professional services necessary for a comprehensive package of hardware, software, training, upgrades, support and maintenance for a three year period to purchase electric power in the Midwest Independent System Operator, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, Board of Control Resolution No. 226-09 authorized the Director of Public Utilities to consent to the assignment to Ventyx Energy, LLC of all obligations of Structure Consulting Group, LLC under City Contract No. 65698 and Ventyx Energy has represented that assignment shall not waive any of Structure Consulting Group, LLC's obligations or the City's rights; and

Whereas, division (c) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; 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 and maintain the software products, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a new contract with Ventyx Energy, LLC for continuation of the professional maintenance

and technical support services necessary to implement and maintain the Midwest Independent System software products acquired by license under Contract No. 65698 for a period of two years starting upon execution of the new contract for those services; and

Whereas, Consultant has proposed by its draft contract to perform the above-mentioned services for an additional amount for all services of \$99,552.10; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the new contract with Ventyx Energy, LLC for continuation of the professional maintenance and technical support services necessary to implement and maintain the Midwest Independent System software acquired under City Contract No. 65698 shall be a total of \$99,552.10.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

Nays: None.

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

Resolution No. 27-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 984-07, passed by the Cleveland City Council on August 8, 2007, the City of Cleveland, through the Director of Public Utilities, entered into an agreement with Ventyx, City Contract No. 67844, for professional services necessary to maintain Ventyx Customer Suite, Service Suite and Asset Suite software, including new releases, patches and fixes, technical support and product research and improvement, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, division (c) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; 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 maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a new contract with Ventyx, Inc. for continuation of the professional maintenance and technical support services necessary to implement and maintain the Ventyx Customer Suite, Service Suite and Asset Suite software products acquired by license under Contract No. 67844, for a period of one year starting the execution of the new contract for those services; and

Whereas, Consultant has proposed by its October 8, 2009 letter to per-

form the abovementioned services for all services of \$145,075.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the new contract with Ventyx, Inc. for continuation of the professional maintenance and technical support services necessary to implement and maintain the Ventyx Customer Suite, Service Suite and Asset Suite software acquired under Contract No. 67844, including certain additional Ventyx software product to be acquired during the term, shall be a total of \$145,075.00.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

Nays: None.

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

Resolution No. 28-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 2152-02, passed by the Cleveland City Council on December 9, 2002, as amended by Ordinance No. 1484-03, passed December 15, 2003, and Ordinance No. 69-04, passed January 12, 2004, and Board of Control Resolution No. 743-03, adopted December 17, 2003, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. 62437 with SBC Global Services, Inc. for professional services necessary to assess, plan, design, and manage the implementation of a Data and Voice Infrastructure network technology system for the City of Cleveland; 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 maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Ordinance No. 856-08, passed by the Council of the City of Cleveland on June 9, 2008, and Board of Control Resolution No. 199-09, adopted May 27, 2009, the City entered into a contract with SBC Global Services, Inc. dba AT&T Global Services, Contract No. 69331, for professional maintenance and technical support services and licenses necessary to implement and maintain the Verint System and the Cisco System software products and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a renewal of Contract No. 69331 with SBC Global Services, Inc. dba AT&T Global Services, to continue to obtain the professional maintenance and technical support services necessary to implement and maintain the Verint System and the Cisco System software products under Contract No. 62437; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid for

maintenance and technical support services to be performed under the renewal of City Contract No. 69331 with SBC Global Services, Inc. dba AT&T Global Services, based on its quotation dated October 23, 2009, for an additional period of nine months expiring September 30, 2010, under the authority of Section 181.102 C.O., shall not exceed \$114,033.83.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

Nays: None.

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

Resolution No. 29-10.

By Director Wasik.

Whereas, under the authority of Ordinance No. 685-07, passed June 11, 2007, and amended by Ordinance No. 1486-09, passed November 9, 2009, by the Council of the City of Cleveland of Cleveland, and Resolution No. 419-07, adopted by this Board on July 25, 2007, the City, through its Director of Public Service, entered into City Contract No. 67185 with The Osborn Engineering Company ("Engineer") to provide the professional services necessary for the citywide facilities conditions assessment; and

Whereas, additional professional services are necessary for a facilities conditions assessment, as requested by Council President Sweeney, to include all the City-owned baseball fields, and printing costs associated with, which were not included in the original scope of work for the project; and

Whereas, Engineer's proposed by its letters dated March 17, 2009, and October 21, 2009, to perform such additional services; and

Whereas, the City finds the Engineer's proposal acceptable and desires to modify the agreement with the Engineer on the basis of such proposal to provide for the performance of and payment for such additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Service is authorized to enter into a first and second modification to City Contract No. 67185 with The Osborn Engineering Company, on the basis of Engineer's letters dated March 17, 2009, and October 21, 2009, for the above-mentioned additional engineering and printing services and increasing the fees for all services by \$58,270.31 to \$447,705.31.

Be it resolved by the Board of Control of the City of Cleveland that the bid of further resolved, that the Director of Public Service is authorized to execute all documents and to do all things necessary to effect the first and second modification to Contract No. 67185 authorized above.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

Nays: None.

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

Resolution No. 30-10.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Petty Group LLC (CSB/MBE), for the public improvement of Gordon Square - CPT Parking Lot Site Improvements, for Base Bid Items 1-7, 9-18, 20-25, 27-53 and Alternate Items A3, A4, 1AA, 2AA and 5AA including the 5% contingency, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on October 28, 2009, under the authority of Ordinance No. 872-08, passed on June 9, 2008, upon a unit basis for the improvement in the aggregate amount of \$295,165.40, is affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Petty Group (CSB/MBE) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
McTech Corp. (CSB/MBE)	\$ 73,358.16 24.853%
Granger Trucking (CSB/MBE)	\$ 28,800.00 9.757%
Work Best Electric (CSB/FBE)	\$ 8,250.00 2.795%
Solar Testing	\$ 1,500.00 0.508%
Krusoe Sign (CSB/FBE)	\$ 525.00 0.178%

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

Nays: None.

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

Resolution No. 31-10.

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. 139-20-032, located at 3601 East 154th Street from HUD; and

Whereas, William D. Burks, Sr. 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. 139-20-032 to William D. Burks, Sr. 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: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

Nays: None.

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

Resolution No. 32-10.

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. 138-17-015, located at 4267-69 East 131st Street from HUD; and

Whereas, Shaw Painting Company 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 considera-

tion for the sale of Permanent Parcel No. 138-17-015 to Shaw Painting Company 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: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Fumich and Rybka.

Nays: None.

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

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 16, 2010

9:30 A.M.

Calendar No. 09-263: 3585 West 117th Street (Ward 17)

Hamdi Qasem, owner, appeals to build an addition to an existing gas station proposed to be on consolidated parcels in a Local Retail Business District on the northeast corner of West 117th Street and Thrush Avenue; subject to the limitations of Section 359.01(a) no substitution nor expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such noncon-

forming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Section 359.01(a); and contrary to Section 357.06(a) a front setback of 6 feet is proposed and the required front yard setback based upon the average setback of existing buildings within 100 feet on either side of the lot is approximately 17 feet; and landscaped strips shall be separated by curbing according to Section 352.05(g) of the Cleveland Codified Ordinances.

Calendar No. 10-6: 8701 Superior Avenue (Ward 7)

Faez Muntaser, owner, appeals to construct a retail building on a 120.84' x 150' parcel in split zoning for Local Retail Business and Two-Family Districts, where a retail building and accessory uses are prohibited under Section 337.03 in a Two-Family District; and a landscaping plan is required in accordance with Section 352.12 of the Cleveland Codified Ordinances.

Calendar No. 10-10: 1104 Rowley Avenue (Ward 3)

Theodore Polanski, owner, appeals for a substitution of use from a store to a restaurant/bar a two-story building on an irregular shaped corner parcel in a Two-Family District; subject to the limitations of Section 337.03 the restaurant/bar is not permitted and first permitted in a Local Retail Business District; and the substitution of a nonconforming store use requires the Board of Zoning Appeals approval in accordance with Section 359.01(a) and no off-street parking is proposed, contrary to Section 349.04(f) and a requirement of one space for each employee, plus one for each 100 square feet of floor area devoted to patron use, or one for each four seats based on the maximum seating capacity, whichever is greater.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 1, 2010

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

The following appeals were **Approved:**

Calendar No. 10-2: 9208 Detroit Avenue (Ward 16 / 18)

Bryon Lyons appealed to establish use as a bar with entertainment in

a General Retail Business District; subject to conditions.

Calendar No. 09-241: 6605 Barberton Avenue (Ward 15 / 16)

Kenneth Easterly appealed to change use from storage to a vehicle repair garage in a General Industry District; subject to condition.

The following appeals were **Denied:**

Calendar No. 09-111: 10409 Meech Avenue - PPN 136-10-040 (Ward 2)

Number One Grace Properties LLC appealed to use a parcel in Semi-Industry and General Industry Districts for storage of vehicles pending wrecking and dismantling.

Calendar No. 09-112: 10409 Meech Avenue - PPN 136-10-041 (Ward 2)

Number One Grace Properties LLC appealed to use a parcel in Semi-Industry and General Industry Districts for storage of vehicles pending wrecking and dismantling.

Calendar No. 09-113: 10409 Meech Avenue - PPN 136-10-043 (Ward 2)

Number One Grace Properties LLC appealed to use a parcel in Semi-Industry and General Industry Districts for storage of vehicles pending wrecking and dismantling.

The following appeals were **Withdrawn:**

None.

The following appeal was **Postponed:**

Calendar No. 10-7: Appeal of Victor Simmons — Revocation Second Hand Dealers License, 6218 St. Clair Avenue postponed to March 1, 2010.

The following appeals were **Dismissed:**

Calendar No. 10-3: Appeal of Moses Shareef — Revocation Second Hand Dealers License, 12913 St. Clair Avenue (Ward 10)

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

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

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

Calendar No. 09-118: 3710 Fulton Road (Ward 14 / 15)

Sheila Maurer appealed to expand an automobile repair garage to include used car sales in a General Retail Business District.

The following appeals heard by the Board on January 25, 2010 were adopted and approved on February 1, 2010.

The following appeals were **Approved:**

Calendar No. 09-262: 16208 St. Clair Avenue (Ward 10)
 Najib Chedid, owner, Danny Chedid and Mike Agoury appealed to construct a mercantile building for retail stores and a drive-through in a C2 Local Retail Business District.

Calendar No. 09-203: 2487 West 25th Street (Ward 14)
 George Sass appealed to establish an auto wrecking/repair/salvage yard on an acreage parcel in a General Industry District; subject to conditions.

Calendar No. 09-248: 1865 West 25th Street (Ward 3 / 13)
 Heil Building Inc., owner, and Cleveland Garage LLC, tenant, appealed to change from a storefront to a bar/restaurant with live entertainment in a two-story mixed use building in a General Retail Business District; subject to conditions.

The following appeal heard by the Board on January 19, 2010 was adopted and approved on February 1, 2010.

The following appeal was **Approved:**

Calendar No. 09-265: 450 East 109th Street (Ward 8)
 Melvin Upshaw, owner, and Bernice Daniels, tenant, appealed to erect a 5' x 5' wheelchair lift on a parcel in a One-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office

of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, FEBRUARY 12, 2010

File No. 17-2010 — Rehabilitating and Relining Sewer at Various Locations Throughout the City (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 996-03, passed by the Council of the City of Cleveland, July 16, 2003.

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 5, 2010 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

File No. 18-2010 — Labor and Materials Necessary to Repair and Maintain Plate Trucks, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 5, 2010 AT 11:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

January 27, 2010 and February 3, 2010

FRIDAY, FEBRUARY 19, 2010

File No. 22-2010 — Purchase of Labor and Materials to Refurbishment and Repair of Water Pumps Including Electric Motors, Controls and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 587-09, passed by the Council of the City of Cleveland June 1, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, FEBRUARY 5, 2010 AT 2:30 P.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKE-SIDE AVENUE, 4TH FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

January 27, 2010 and February 3, 2010

THURSDAY, FEBRUARY 25, 2010

File No. 23-2010 — Manholes (Re-Bid), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section Nos. 129.25, 129.26 and 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, FEBRUARY 5, 2010 AT 10:00 A.M., THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 19-2010 — Cab and Chassis w/Medium USV Body (Re-Bid), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 902-07, passed by the Council of the City of Cleveland, July 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, FEBRUARY 8, 2010 AT 10:30 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44108.

File No. 20-2010 — Various Honda Parts and Labor (Re-Bid), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, FEBRUARY 8, 2010 AT 11:30 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44108.

File No. 21-2010 — Cab and Chassis w/Digger Derrick Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1849-08, passed by the Council of the City of Cleveland, January 26 2009.

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

DAY, FEBRUARY 9, 2010 AT 10:30 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44108.

January 27, 2010 and February 3, 2010

WEDNESDAY, FEBRUARY 17, 2010

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

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

February 3, 2010 and February 10, 2010

WEDNESDAY, FEBRUARY 24, 2010

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

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

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

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

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

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

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

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

File No. 29-2010 — Constructing and Installing Replacement Sewers and Rehabilitating and Repairing Sewer at Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section No. 129.292 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

February 3, 2010 and February 10, 2010

THURSDAY, FEBRUARY 25, 2010

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

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

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

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

February 3, 2010 and February 10, 2010

FRIDAY, FEBRUARY 19, 2010

File No. 17-2010 — Collinwood Recreation Center (Re-Bid), for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 597-09, passed by the Council of the City of Cleveland, June 8, 2009.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF 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** WEDNESDAY, FEBRUARY 3, 2010 AT 2:00 P.M., THE LAKEFRONT AIRPORT, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

The Existing Building at the site will be open for INSPECTION from 1:00 p.m. to 2:30 p.m. on Monday, February 2, 2010 and from 10:00 a.m. to 11:30 a.m. on Friday, February 5, 2010. NOTE: that the building is not heated and minimal electrical lighting is available. Bidders are cautioned to dress appropriately and to bring flashlights.

January 20, 2010, January 27, 2010 and February 3, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 97-10.

By Council Member Brady.

An emergency resolution objecting to a New C1 Liquor Permit at 3654 West 117th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 3654 West 117th, Inc., 3654 West 117th Street, Cleveland, Ohio 44111, Permanent Number 8916633; 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 3654 West 117th, Inc., 3654 West 117th Street, Cleveland, Ohio 44111, Permanent Number 8916633, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 25, 2010.
Effective January 27, 2010.

Res. No. 98-10.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 2800 Clinton Avenue, and repealing Resolution No. 1789-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Jazz 28, LLC, 2800 Clinton Avenue, Cleveland, Ohio 44113, Permanent No. 4260830, by Resolution No. 1789-09 adopted by the Council on December 7, 2009; and

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

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

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

Section 1. That objection to a transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to

Jazz 28, LLC, 2800 Clinton Avenue, Cleveland, Ohio 44113, Permanent No. 4260830, be and the same is hereby withdrawn and Resolution No. 1789-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted January 25, 2010.
Effective January 27, 2010.

Res. No. 99-10.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 1148 Main Street, and repealing Resolution No. 932-09 objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 1148 Main Street by Resolution No. 932-09 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 D5 and D6 Liquor Permit to RJJ Waterfront Holdings I, Ltd., DBA Silk Night Club, 1148 Main Street, Cleveland, Ohio 44113, Permit Nos. 7443904, 7443904-0003, 7443904-0004, 7443904-0005, 7443904-0006, 7443904-0007, 7443904-0008 and 7443904-0009 be and the same is hereby withdrawn and Resolution No. 932-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 25, 2010.
Effective January 27, 2010.

Res. No. 100-10.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit at 2505 Professor Street, 1st floor and basement and repealing Resolution No. 1791-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D2, D2X and D3 Liquor Permit to Odea, Ltd., DBA Café Istanbul Cleveland, 2505 Professor Street, 1st floor and basement, Cleveland, Ohio 44113, Permanent No. 6508251, by Resolution No. 1791-09 adopted by the Council on December 7, 2009; and

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

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

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

Section 1. That objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit to Odea, Ltd., DBA Café Istanbul Cleveland, 2505 Professor Street, 1st floor and basement, Cleveland, Ohio 44113, Permanent No. 6508251, be and the same is hereby withdrawn and Resolution No. 1554-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted January 25, 2010.
Effective January 27, 2010.

Res. No. 101-10.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1382 West 9th Street, Suite 100, patio and 1st floor, and repealing Resolution No. 1127-09, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 1382 West 9th Street, Suite 100, patio and 1st floor by Resolution No. 1127-09 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, D3A and D6 Liquor Permit to LaBodega Cleveland OH, LLC, DBA Sunset Lounge, 1382 West 9th Street, Suite 100, patio and 1st floor, Cleveland, Ohio 44113, Permanent Number 4949255 be and the same is hereby withdrawn and Resolution No. 1127-09, containing such objection, be and the same is hereby repealed and that this Council con-

sents to the immediate renewal thereof.

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

Adopted January 25, 2010.

Effective January 27, 2010.

Res. No. 102-10.

By Council Member Cleveland.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4643 Broadway Avenue, and repealing Resolution No. 1168-09, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to Salina, Inc., DBA Broadway Deli, 4643 Broadway Avenue, 1st floor, by Resolution No. 1168-09 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 C1 and C2 Liquor Permit to Salina, Inc., DBA Broadway Deli, 4643 Broadway Avenue, 1st floor, Cleveland, Ohio 44127, Permanent Number 76857450005 be and the same is hereby withdrawn and Resolution No. 1168-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 25, 2010.

Effective January 27, 2010.

Res. No. 103-10.

By Council Member Cleveland.

An emergency resolution withdrawing objection to the renewal of a C2, C2X and D6 Liquor Permit at 2747 Cedar Avenue, and repealing Resolution No. 1167-09, objecting to said renewal.

Whereas, this Council objected to a C2, C2X and D6 Liquor Permit to 2747 Cedar Avenue, 1st floor and basement by Resolution No. 1167-09 adopted by the Council on August 5, 2009; and

Whereas, this Council wishes to withdraw its objection to the above

renewal and consents to said renewal; and

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

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

Section 1. That objection to a C2, C2X and D6 Liquor Permit to Quasem, Inc., 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permanent Number 71337770005 be and the same is hereby withdrawn and Resolution No. 1167-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 25, 2010.

Effective January 27, 2010.

Res. No. 104-10.

By Council Member Cleveland.

An emergency resolution objecting to a New C2 and D6 Liquor Permit at 2625 East 55th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 and D6 Liquor Permit at 2625 East 55th Gas, Inc., DBA East 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9116701; 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 preserva-

tion of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C2 and D6 Liquor Permit at 2625 East 55th Gas, Inc., DBA East 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9116701; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 25, 2010.

Effective January 27, 2010.

Res. No. 105-10.

By Council Member Dow.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 7318 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Rosie Hutchinson Estate, Noah Hutchinson Executor, DBA Noah's Sunoco, 7318 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 4096102 to Sooso II, LLC, 7318 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 8374497; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department

of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Rosie Hutchinson Estate, Noah Hutchinson Executor, DBA Noah's Sunoco, 7318 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 4096102 to Sooso II, LLC, 7318 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 8374497; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 25, 2010.

Effective January 27, 2010.

Res. No. 106-10.

By Council Member K. Johnson.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 10008 Buckeye Road, and repealing Resolution No. 1135-09, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit 10008 Buckeye Road by Resolution No. 1135-09 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 Ray Por, Inc., DBA Eastwood Inn, 10008 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 72245520007 be and the same is hereby withdrawn and Resolution No. 1135-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 25, 2010.

Effective January 27, 2010.

Res. No. 107-10.

By Council Member Keane.

An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 4163 Rocky River Drive, and repealing Resolution No. 424-09, objecting to said renewal.

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 4163 Rocky River Drive by Resolution No. 424-09 adopted by the Council on March 30, 2009; and

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

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

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

Section 1. That objection to a New C1 and C2 Liquor Permit to Raja International, Inc., DBA EZ Food Mart Store, 4163 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 71788020005, be and the same is hereby withdrawn and Resolution No. 424-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted January 25, 2010.

Effective January 27, 2010.

Res. No. 108-10.

By Council Member Polensek.

An emergency resolution objecting to a New C1 Liquor Permit at 15222 Waterloo Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Waterloo Gas & Go, Inc., 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085; 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 Waterloo Gas & Go, Inc., 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 25, 2010.

Effective January 27, 2010.

Ord. No. 1112-09.

By Council Member Zone.

An ordinance changing the Use District of lands on the southwest corner of West 57th Street and Ithaca Court shown shaded on the attached map from Two Family Residential (2F) to Urban Garden District (UGD) (Map Change No. 2287, Sheet No. 1).

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 West 57th Street at its intersection with the westerly prolongation of the centerline of Ithaca Court;

Thence westerly along said centerline of Ithaca Court to its intersection with the southerly prolongation of the easterly line of Sublot No. 13 in the W.M. Wesseng Subdivision shown on the recorded plat in Volume 4, Page 6 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation and said easterly line to its intersection with the southerly line of Sublot No. 198 in the Benendict & Root Subdivision shown on the recorded plat in Volume 1, Page 13 of Cuyahoga County Map Records;

Thence easterly along said southerly line to its intersection with the easterly line of a parcel of land conveyed to St. Stephen Church by deed dated April 10, 1998 and recorded in Auditor's File Number V98041490041, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-097;

Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Ithaca Court;

Thence easterly along said centerline of Ithaca Court to its intersection with the northerly prolongation of the easterly line of a parcel of land conveyed to the City of Cleveland by deed dated August 18, 1998 and recorded in Auditor's File Number V98110490049, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-094;

Thence southerly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the easterly line of a parcel of land conveyed to Cheryl L. and Benjamin Himes by deed dated September 9, 1999 and recorded in Auditor's File Number 199909092455, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-091;

Thence southerly along said easterly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line to its intersection with the southerly line of Sublot Number 6 in the Wissing Allotment No. 2 shown on the recorded plat in Volume 39, Page 3 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-071;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of West 57th Street;

Thence northerly along said centerline of West 57th Street to its intersection with the westerly prolongation of the centerline of Ithaca Court and the principal place of beginning; and shaded on the attached map is changed to an Urban Garden District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2287, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed January 25, 2010.
Effective February 14, 2010.

Ord. No. 1113-09.

By Council Member Zone.

An ordinance to change the Use District of land located on the northeast corner of Bridge Avenue and W. 58th Street to Open Space and Recreation District (Map Change No. 2286 Sheet No. 1).

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 Bridge Avenue at its intersection with the centerline of West 58th Street;

Thence northerly along said centerline of West 58th Street to its intersection with the westerly prolongation of the northerly line of a parcel of land conveyed to Roger J. Neff by deed dated June 8, 1982 and recorded in Auditor's File Number V82156430511, said parcel also being known as Cuyahoga County Auditor's Number 002-32-162;

Thence easterly along said prolongation and said northerly line to its intersection with the easterly line thereof;

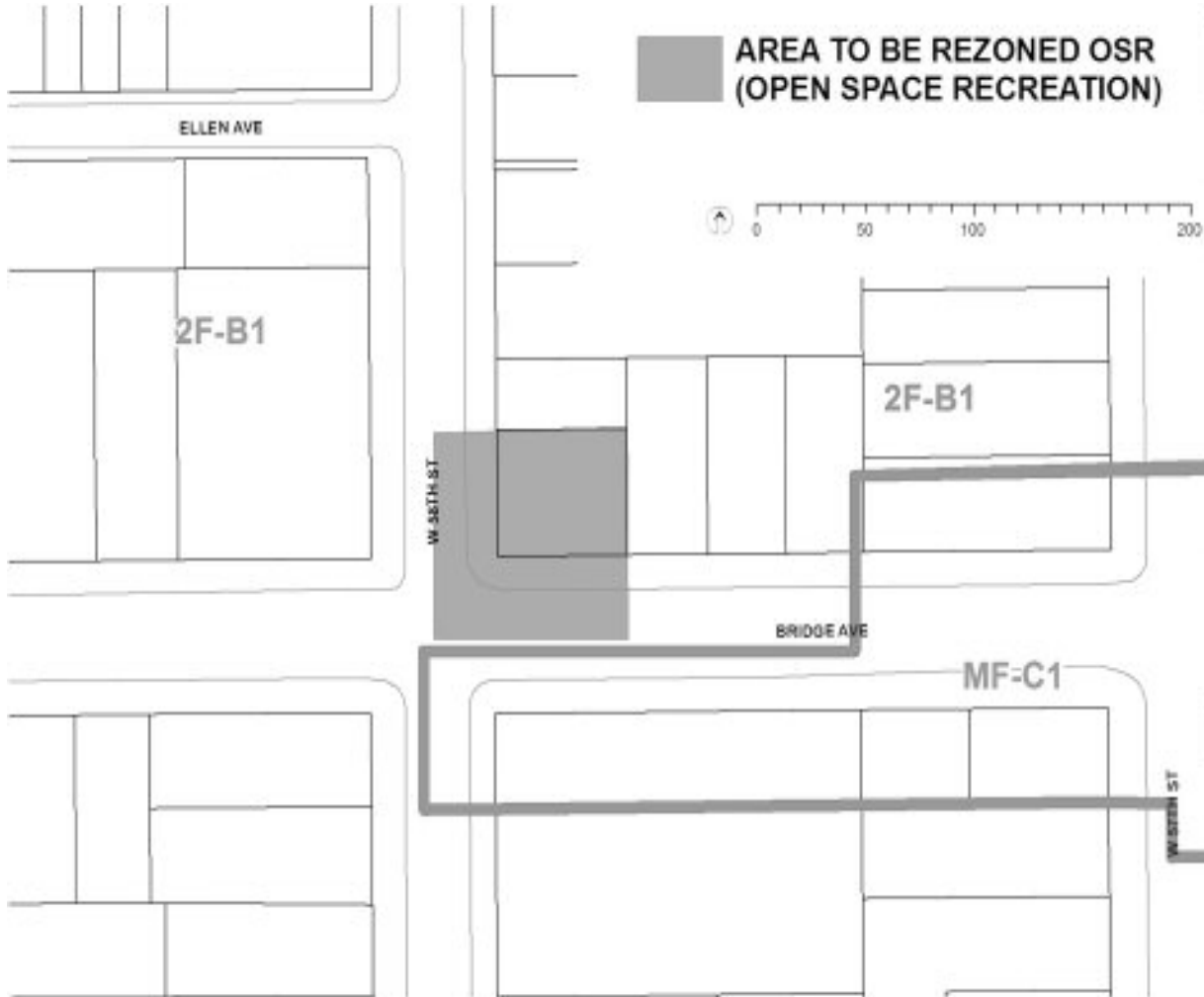
Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Bridge Avenue;

Thence westerly along said centerline of Bridge Avenue to its intersection with the centerline of West 58th Street and the principal place of beginning;

and as shaded on the attached map is changed to an Open Space and Recreation District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2286, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed January 25, 2010.
Effective February 14, 2010.

Ord. No. 1114-09.

By Council Member Zone.

An ordinance to change the Use District of land located on the northeast corner of Clinton Avenue and West 65th Street to Open Space and Recreation District (Map Change No. 2285 Sheet No. 1).

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 Clinton Avenue at its intersection with the centerline of West 65th Street;

Thence northerly along said centerline of West 65th Street to its intersection with the southwesterly prolongation of the southerly line of a parcel of land conveyed to Detroit Shoreway Development Corp by deed dated September 27, 1993 and recorded in Auditor's File Number V93103250041, said parcel also being know as Cuyahoga County Auditor's Permanent Parcel Number 002-16-027;

Thence northeasterly along said southwesterly prolongation and said southerly line and continuing along its northeasterly prolongation to its intersection with the easterly line of a parcel of land conveyed to Joyce Seger by deed dated June 25, 1990 and recorded in Auditor's File Number V90036730008, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 002-16-075;

Thence southeasterly along said easterly line and along its southeasterly prolongation to its intersection with the centerline of Clinton Avenue;

Thence southwesterly along said centerline of Clinton Avenue to its intersection with the centerline of West 65th Street and the principal place of beginning;

and as shaded on the attached map is changed to an Open Space and Recreation District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2285, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed January 25, 2010.
Effective February 14, 2010.

Ord. No. 1543-09.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into one or more amendments to Contract No. 66523 with Inland Waters of Ohio, Inc. to provide additional services to manage spent deicing fluid at Cleveland Hopkins International Airport, for a period not to exceed three months from the expiration of the term of the existing contract.

Whereas, under Ordinance No. 465-05, passed May 9, 2005, this Council authorized the Director of Port Control to enter into Contract No. 66523 with Inland Waters of Ohio, Inc. to manage spent deicing fluid at Cleveland Hopkins International Airport; and

Whereas, additional services under this contract are necessary for a

period of three months from the expiration of the term of the existing 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 enter into one or more amendments to Contract No. 66523 with Inland Waters of Ohio, Inc. to provide additional services to manage spent deicing fluid at Cleveland Hopkins International Airport, for a period not to exceed three months from the expiration of the term of the existing contract.

Section 2. That the contract amendment shall be prepared by the Director of Law.

Section 3. That the cost of the contract amendment shall be in the estimated sum of \$1,100,000 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project, Request No. 2010-4.

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

Passed January 25, 2010.
 Effective January 27, 2010.

Ord. No. 1727-09.
By Council Member Mitchell.
An ordinance to change the Use, Area and Height Districts of lands located on the south side of Carnegie Avenue and the north side of Cedar between East 100 Street and East 106th as shown on the attached map to an Institutional Research Use District, a 'D' Area District and a '3' Height District (Map Change No. 2292; Sheet No. 5 & 9).

Be it ordained by the Council of the City of Cleveland:
Section 1. That the Use, Area and Height Districts of lands bounded and described as follows:
 Beginning in the centerline of East 100th Street at its intersection with the centerline of Carnegie Avenue;
 Thence easterly along said centerline of Carnegie Avenue to its intersection with the northerly prolongation of the easterly line of a parcel of land conveyed to The Cleveland Clinic Foundation by deed dated April 4th 2006 and recorded in Auditor's File Number 200604040759 said parcel also being known as Cuyahoga County Recorder's Permanent Parcel Number 119-25-030;

Thence southerly along said northerly prolongation and said easterly line to its intersection with the northerly line of Sublot Number 3 in the Chas Compton Heirs Subdivision shown on the recorded plat in Volume 20, Page 27 of Cuyahoga County Map Records;

Thence easterly along said northerly line to its intersection with the easterly line thereof;
 Thence southerly along said easterly line and along its southerly prolongation to its intersection with the northerly prolongation of the centerline of East 106th Street;

Thence southerly along said centerline and along its southerly prolongation to its intersection with the centerline of Cedar Avenue;

Thence westerly along said centerline of Cedar Avenue to its intersection with the centerline of East 100th Street;
 Thence northerly along said centerline of East 100th Street to its intersection with the centerline of Carnegie Avenue and the principal place of beginning;

and as shaded on the attached map is changed to an Institutional Research Use District, a 'D' Area District and a '3' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2292, Sheet Numbers 5 and 9 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



AREA TO BE REZONED IR-D3 (INSTITUTIONAL RESEARCH)

Passed January 25, 2010.
 Effective February 14, 2010.

Ord. No. 7-10.**By Council Member Sweeney (by departmental request).****An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.**

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

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

Section 1. That the Director of Finance is authorized to pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Public Safety Department - House of Corrections				
Bolser, Jean	12151	\$ 500.00	City Jail	01-600701-672000
Bonds, John	12159	1,000.00	City Jail	01-600701-672000
Public Safety Department - EMS				
Guthrie, Charles	12173	\$ 250.00	EMS	01-600402-672000
Public Safety Department - Fire				
Harper, Geneva	12167	\$ 250.00	Fire	01-600302-672000
Marcotty, Andreas	12169	500.00	Fire	01-600302-672000
Felicia McCreary	12180	500.00	Fire	01-600302-672000
Police Public Safety Department - Police Department				
Limpert C. Daniel	12145	\$ 226.82	Police	01-600202-672000
Parker, Douglas	12153	2,273.93	Police	01-600202-672000
Whitaker, Michael	12160	500.00	Police	01-600202-672000
Henry, Dwight and Brenda	12161	500.00	Police	01-600202-672000
Perry, Lucinda	12162	250.00	Police	01-600202-672000
Stewart, Tainya	12163	250.00	Police	01-600202-672000
Ross, Roxanne	12186	250.00	Police	01-600202-672000
Department of Parks, Recreation and Property - Park Maintenance				
Johnson, James	12148	\$ 49.00	Park Maintenance	01-701205-672000
Harris, Sheryl	12185	172.41	Park Maintenance	01-701205-672000
Department of Parks, Recreation and Property - Urban Forestry				
McCoy, Tawanda	12165	\$ 250.00	Urban Forestry	01-701204-672000
Dalton, Debra	12170	500.00	Urban Forestry	01-701204-672000
Hayes, Shade'	12179	500.00	Urban Forestry	01-701204-672000
Department of Parks, Recreation and Property - Vacant Lots				
Appling, Deonte and Mary	12149	\$ 250.00	Vacant Lots	01-701205-672000
Cleveland Housing Network	12168	250.00	Vacant Lots	01-701205-672000
Chevrolet, Patricia	12171	342.25	Vacant Lots	01-701205-672000
Department of Public Service - Division of Streets				
Fuentes, Nivia	12183	\$ 200.00	Streets Division	01-400609-672000
Department of Utilities - Water Pollution Control				
Raynard, George	4616	\$ 248.00	Water Pollution Control	54 SF 001
Benci, Loretta	4651	\$ 750.00	Water Pollution Control	54 SF 001
* Jacobs, Charles and Elsie	4897	\$ 328.50	Water Pollution Control	54 SF 001
*4897 Jacobs award is split between Water and WPC.				
Department of Utilities - Water Division				
Smart, Robert	4361	\$ 500.00	Water	52 SF 001
* Jacobs, Charles and Elsie	4897	\$ 328.50	Water	52 SF 001

Section 2. That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed January 25, 2010.

Effective January 27, 2010.

Ord. No. 91-10.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with 629 Euclid LTD, or its designee, to provide economic development assistance as an incentive to relocate Rosetta Marketing Group to 629 Euclid Avenue in Cleveland, Ohio, and other associated costs necessary to redevelop the property.

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

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

Section 1. That, the Director of Economic Development is authorized to enter into one or more various types of loan agreements and forgivable loan agreements under the Vacant Property Initiative with 629 Euclid LTD, or its designee, to provide economic development assistance as an incentive to relocate Rosetta Marketing Group, LLC to 629 Euclid Avenue in Cleveland, Ohio, and other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 91-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the loan or forgivable loan agreements shall not exceed \$610,000, and shall be paid from Fund No. 17 SF 008, RL 2010-01.

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

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

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

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

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities

related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

Passed January 25, 2010.
Effective January 27, 2010.

Ord. No. 92-10.

By Council Members Mitchell and Conwell.

An emergency ordinance consenting and approving the issuance of a permit for the 2010 Hudson Relays, on April 24, 2010, sponsored by Case Western Reserve University.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2010 Hudson Relays sponsored by Case Western Reserve, on April 24, 2010, starting at "The Rock;" next to Fribley, near the bottom of the elephant steps; in front of Carlton Commons, top of stairs; top of Edgehill at Overlook; in front of the Greenhouse Restaurant; corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall); in front of the Peter B. Lewis building, corner of Bellflower and Ford; just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road; in front of Pierce house in the Northside Residential Village; in front of Clark Hall on the Mather Quad; back at "The Rock"; President's Last Lap Only; the last runner (President) receives the baton at the rock by Adelbert hall and runs into the Quad up the Pardee side and around the back to the rock down the Yost side; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed January 25, 2010.
Effective January 27, 2010.

Ord. No. 93-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Latrease Poole-Miller for professional services to assist with fiscal and other matters 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 Latrease Poole-Miller (Consultant) for professional services to assist with fiscal and other matters for Cleveland City Council. This agreement shall be entered into as of January 1, 2010 and shall terminate December 31, 2010. The Consultant shall be paid on an hourly basis in an amount not to exceed 10.00 per hour which shall be certified from fund number 01, subfund 001, account number 6320.

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

Passed January 25, 2010.
Effective January 27, 2010.

Ord. No. 94-10.

By Council Members Pruitt and Westbrook.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program through the use of Ward(s) 1 and 16 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program for the public purpose of promoting restoration and preservation of historic homes in the city of Cleveland through the use of Ward(s) 1 and 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed January 25, 2010.
Effective January 27, 2010.

Ord. No. 95-10.
By Council Member Dow.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Famicos Foundation for the Holiday Food Distribution Program through the use of Ward 7 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with the Famicos Foundation for the Holiday Food Distribution Program for the public purpose of providing food certificates for senior citizens and low income residents residing in the city of Cleveland through the use of Ward 7 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said

contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed January 25, 2010.
Effective January 27, 2010.

Ord. No. 96-10.
By Council Member Cimperman.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Ohio City Near West Development Corporation for the Community Social Support Program through the use of Ward 3 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with Ohio City Near West Development Corporation for the Community Social Support Program for the public purpose of providing social support and outreach services to residents of the City of Cleveland through the use of Ward 3 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$21,845 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed January 25, 2010.
Effective January 27, 2010.

COUNCIL COMMITTEE MEETINGS

Monday, February 1, 2010
9:30 a.m.

Health and Human Services Committee: Present: Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Reed, Zone.

11:00 a.m.

Legislation Committee: Present: Mitchell, Chair; K. Johnson, Vice Chair; Cleveland, Reed. *Authorized Absence:* Brancatelli, Cimperman, Sweeney. *Pro tempore:* Keane.

2:00 p.m.

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

Wednesday, February 3, 2010
9:00 a.m.

Aviation and Transportation Committee: Present: Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, Kelley, Mitchell. *Authorized Absence:* K. Johnson.

1:30 p.m.

City Planning Committee: Present: Cleveland, Chair; Brady, Dow, Keane, Zone. *Authorized Absence:* Westbrook, Vice Chair; Conwell. *Pro tempore:* Sweeney.

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O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

Bold type in sections indicates amendments

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