

The City Record

Official Publication of the Council of the City of Cleveland



July the Twenty-Eighth, 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
Valerie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability
Natoya J. Walker, Interim Director, Office of Equal Opportunity
DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
Pam Benjamin, 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 – Randall T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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WEDNESDAY, JULY 28, 2010

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CITY COUNCIL

MONDAY, JULY 26, 2010

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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

NO MEETING

THE CALENDAR

The following measure will be on final passage at the next Council Meeting:

Ord. No. 829-10.

By Mayor Jackson
An emergency ordinance authorizing the purchase by requirement contract of LED streetlights, LED fluorescent tube replacements, LED bulbs, and LED traffic lights as specified for a term of up to 10 years for the various departments of City government.

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

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

Section 1. That the Director of Finance is authorized to make a written requirement contract under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a term of up to 10 years for the various departments of City government of the necessary items of LED streetlights, LED fluorescent tube replacements, LED bulbs, and LED traffic lights (**“LED products”**) that 1) have a UL listing and have completed LM 79 testing to confirm the products' conformance to City standards prior to being furnished to the City; 2) have completed LM 80 testing to confirm the products' conformance to City standards within 24 months after the first LED products are furnished to the City; 3) are lead-free and meet the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations (**“RoHS”**); 4) are designed to fit the City's existing

fixtures without modification other than wiring reconfiguration, with the exception of LED street lights which shall be designed to fit the City's existing street light arms without modification of the arms or modification of the maintenance processes and shall in other respects meet the City's street light specifications; 5) are, starting no later than 18 months after execution of the contract, assembled and distributed from the contractor's facility located in Cleveland and used to supply the LED products to the City under the contract throughout the term; 6) are, starting no later than 36 months after execution of the contract, manufactured at one or more facilities located and maintained in Cleveland throughout the remainder of the contract term; 7) are assembled, distributed and manufactured at one or more of its Cleveland facilities that (a) includes, by no later than 60 months after execution of the contract, a research and development function within its Cleveland facility which is maintained in Cleveland throughout the remainder of the contract term, (b) employs within 60 months after execution of the contract and maintains in employment for the remainder of the contract term a minimum of 350 new jobs, and (c) employs Cleveland residents as at least 30% of the total number of Ohio residents employed in the workforce in each year of the contract; and 8) are warranted for full replacement if the furnished products fail at any time during the term to meet the contract specifications, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various departments of City government.

The contract shall provide that the contractor shall 1) comply with the Cleveland Fair Employment Law, Chapter 189 of the Codified Ordinances of Cleveland, Ohio, 1976, as a **“Covered Employer”** as that term is defined in the law; 2) comply with the CSB, MBE, and FBE subcontractor participation goals established by the City's Office of Equal Opportunity (**“OEO”**) under Chapter 187 of the Codified Ordinances of Cleveland, Ohio, 1976, for like contracts in any contract the contractor enters into (a) for the construction, rehabilitation, improvement, alteration, conversion, extension, demolition or repair of the contractor's Cleveland facilities, and (b) with suppliers and subcontractors employed by the contractor in the performance of its obligations to supply LED products; 3) require its contractors under 2(a) of this paragraph to employ City of Cleveland residents to perform 20% of the total **“Construction Worker Hours”** as that term is defined in Section 188.01 of the Codified Ordinances of

Cleveland, Ohio, 1976; 4) use, to the extent practicable, "Local Producers," "Local-Food Purchasers" and "Local Sustainable Businesses" as defined in Section 187A.01 of the Codified Ordinances of Cleveland, Ohio, 1976, in contracts for goods and services for contractor's Cleveland facilities, increase the number of Local Producers, Local-Food Purchasers and Local Sustainable Businesses in proportion to its decrease in use of component parts obtained outside Cleveland, and purchase a minimum of 25% of component parts from Local Producers meeting the contractor's specifications within 5 years after the contract execution date; 5) enter into a Workforce Development Agreement under which, among other things, the contractor shall notify the City of job openings at contractor's Cleveland facilities, request referrals of potential job candidates for the job openings from the City's workforce agencies, give first consideration to hiring candidates referred by those agencies, and provide reasonable feedback regarding the status and results of the referrals; and 6) pay all royalties, license, or other intellectual property fees required in connection with its products and processes and shall hold and save the City and its officers, agents, servants, and employees harmless from liability of any nature or kind, including costs and expenses, for or on account of any patented or unpatented invention, process, article, or appliance manufactured or used in the performance of the contract, including but not limited to the use by the City, and defend at its own cost all suits or claims for infringement of any patent, license, or other intellectual property right.

The contract shall further provide that 1) the term during which the City is obligated to purchase LED products shall begin upon the contractor filling the City's first order with products assembled and distributed from its Cleveland facilities; 2) the City may provide upgraded requirements for LED products as required to meet technological advancements during the term of the contract; 3) so long as the contractor's unit price for any LED product is at or below that of other providers for a like product, as determined annually by the Commissioner of Purchases and Supplies, the City shall purchase that LED product from the contractor during the term of the contract; 4) if any LED product is available at a lower cost from another firm and the contractor fails to meet that lower cost, the City shall have the right to purchase the lower-priced product(s) from another supplier; and 5) if the contractor cannot meet the quantity or quality requirements of the City for any LED product, the City shall have the right to purchase that LED product from another supplier. **The Director Finance shall provide an annual report to Cleveland City Council regarding the evaluation of product pricing by the Commissioner of Purchases and Supplies and the City's procurement under the contract.**

The contract shall further provide that 1) the contractor is required to develop LED products that meet Energy Star Standards and other national LED standards as those standards may be promulgated and adopted by the lighting industry from time to time during the con-

tract term ("Standards") and to actively work toward achieving LED products that meet the Standards; 2) if the contractor achieves any LED products that meet the Standards, the City shall have the right to purchase that product from the contractor at or below the price of another like LED product that meet the Standards; 3) if the contractor offers a product meeting the Standards, but a like LED product is available from another supplier at a lower price, and the contractor does not at least meet the lower price, the City may purchase that product meeting the Standards from the other supplier; and 4) if the City determines that a LED product meeting the Standards is available for purchase in the marketplace and the contractor does not have a like LED product, the City shall have the right to purchase the LED product(s) meeting the Standards from another supplier.

Notwithstanding any Codified Ordinance to the contrary, 1) each bid shall be accompanied by a bid bond signed by a surety company authorized to do business in Ohio, or by a cashier's check or certified check on a solvent bank, which bond or check shall be five percent (5%) of the amount of the bid for the estimated purchases during the first term year of the contract and shall be given as security that if its bid is accepted, the bidder will enter into a contract and properly secure its performance; and 2) upon execution of the contract, the contractor shall furnish a performance bond or other irrevocable security acceptable to the Director of Law in an amount equal to at least twenty-five percent (25%) of the bid amount for the City's estimated purchases during the first term year of the contract and shall maintain a performance bond or security in that amount in effect during each term year of the contract.

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

Section 3. That the authority to enter into contract under this ordinance shall expire eighteen months after the effective date of this ordinance, excluding any period of time that the City is prevented from proceeding with competitive bidding or entering into a contract for LED products under this ordinance for any reason outside of the control of the City, its officers or employees. **If the City is prevented from proceeding with competitive bidding or entering into a contract for LED products under this ordinance due to a reason outside the control of the City, its officers or employees, the Director of Finance shall notify Council.**

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.

BOARD OF CONTROL

July 21, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 21, 2010, at 10:30 a.m. with Director Triozzi presiding.

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

Absent: Mayor Jackson and Director Carroll.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker, Director, Office of Equal Opportunity.

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

Resolution No. 290-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Meritech, Inc. for an estimated quantity of Groups I, II and III copier rental, all items, for the Division of Printing & Reproduction, Department of Finance, for a period of four (4) years, beginning with the date of execution of a contract, with an option to renew for one additional year, received on July 8, 2010, under the authority of Ordinance No. 325-10, passed April 12, 2010, which on the basis of the estimated quantity would amount to \$2,294,140.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$109,962.00.

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

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Meritech for the above-mentioned service is approved:

Stat-Expeditors, Inc.
CSB/FBE — \$72,000.00 — 3.138%

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 291-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hess Corporation, for an estimated quantity of natural gas for the various natural gas accounts, for all items, for the various divisions of City government, for a period of one year, beginning with the date of execution of the contract, with two one year options to renew, received on July 8, 2010, under the authority of Ordinance No. 593-10, passed Cleveland City Council on May 24,

2010, which on the basis of the estimated quantity would amount to \$1,895,958.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of not less than \$94,797.90.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 292-10.

By Director Withers.

Whereas, Board of Control Resolution No. 37-10, adopted February 3, 2010, under the authority of the Codified Ordinances of Cleveland, Ohio, 1976, approved Nighthawk Systems, Inc. as lowest and best bidder, based upon its October 16, 2009 bid to provide the City's requirements for an estimated quantity of meters and metering equipment: collar-type integrated wireless remote disconnect meter adapters, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, after adoption of Resolution No. 37-10 on February 3, 2010, the City was notified by Nighthawk Systems May 3, 2010 letter that as a result of Nighthawk Systems corporate restructuring effective May 3, 2010, Nighthawk Systems, Inc. (incorporated in Nevada) was split into two companies and would be operating under the company name of AMI Investments, LLC dba Nighthawk; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that this Board acknowledges the split of Nighthawk Systems, Inc. into two entities and operation of its power control business as AMI Investments, LLC dba Nighthawk, effective May 3, 2010, and that Resolution No. 37-10, adopted February 3, 2010, is amended by recognizing AMI Investments, LLC dba Nighthawk in place of Nighthawk Systems, Inc. as the successful bidder and substituting "AMI Investments, LLC dba Nighthawk" for "Nighthawk Systems, Inc." where appearing.

Be it further resolved, that all other provisions of Resolution No. 37-10, not expressly amended above shall remain unchanged and in full force and effect, and the Director of Public Utilities is authorized to execute all documents and do all things necessary to acknowledge the change in legal identity of the successful bidder to AMI Investments, LLC dba Nighthawk.

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 293-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 456-10, passed by the Council of the City of Cleveland on May 10, 2010, EnergyCAP, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of the Public Utilities Department of the City of Cleveland to acquire one or more software licenses or to develop an energy data management system, and other professional services necessary to implement the system, including project management, installing, designing, training, testing, maintenance, technical support, and other related issues, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with EnergyCAP Inc., based on its proposal dated May 27, 2010, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for a fee of \$130,000.00, for a period of two years, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultant is approved:

<u>SUB-CONSULTANT</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Vital Resources, Inc. (FBE/CSB)	\$13,000.00 10.00%

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 294-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Co. dba PEPCO for an estimated quantity of wood poles and crossarms, item 38 through item 41, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon the execution of a contract, received on January 22, 2010, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$44,701.06 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$7,838.38.

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

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Flask, Cox,

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 295-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 22, 2010 for the purchase of an estimated quantity of wood poles and crossarms, item 35 and item 37 for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 296-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on April 16, 2010, for labor and materials necessary to repair and maintain plate trucks (re-bid), for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Section 181.101 of Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 297-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Jack Doheny Supplies Ohio, Inc. for an estimated quantity of catch basin cleaning truck repair (Scavenger Vac) (Group 2, Items 1-4), for the Division of Water Pollution Control, Department of Public Utilities, for a period of one year starting upon the execution of the contract, received on March 25, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$50,000.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$25,000.00.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 298-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on February 25, 2010 for the purchase of an estimated quantity of manholes, item 25, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 299-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Best Equipment Co. for an estimated quantity of catch basin cleaning truck repair (Vac-All)(Group I, Items 1-4), for the Division of Water Pollution Control, Department of Public Utilities, for a period of one year starting upon the execution of the contract, received on March 25, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$200,000.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for the initial order, the cost of which shall be certified to the contract in an amount not less than \$100,000.00.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 300-10.

By Director Smith.

Whereas, as a result of the Federal Aviation Administration ("FAA") Director's Determination in the matter of Drake Aerial Enterprises, LLC d/b/a Air America Aerial Ads and James Miller versus City of Cleveland, FAA Docket No. 16-09-02, the City must allow banner towing operations at Burke Lakefront Airport, subject to all the terms and conditions contained in the Director's Determination and all rules and regulations governing banner towing promulgated by the Director of Port Control; and

Whereas, Aerial Adventures Advertising ("Aerial Adventures") wishes to utilize the airfield facilities at Burke Lakefront Airport to conduct banner towing operations between August 1, 2010 and October 31, 2010; and

Whereas, the City is willing to grant Aerial Adventures the privilege, permit and license to utilize the airfield facilities at Burke Lakefront Airport for banner towing

operations subject to all the terms and conditions contained in the FAA Director's Determination and all rules and regulations governing banner towing promulgated by the Director of Port Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Port Control is authorized to enter into an agreement ("Agreement") granting Aerial Adventures the privilege, permit and license to utilize the airfield facilities at Burke Lakefront Airport for not more than 60 banner towing days between August 1, 2010 and October 31, 2010, subject to all the terms and conditions contained in the Director's Determination and all rules and regulations governing banner towing promulgated by the Director of Port Control. Aerial Adventures shall pay the City a fee of \$20.00 a day for each banner and shall be responsible for any applicable taxes payable to any taxing authorities in connection with its banner towing operation.

Be it further resolved that the above-authorized Agreement shall be prepared by the Director of Law and shall contain such other provisions, as the Director deems necessary to benefit and protect the public interest.

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 301-10.

By Director Smith.

Resolved by the Board of Control of the City of Cleveland that the bid of Air Rite, Inc., for air filters, items 3 and 6 for the various divisions, Department of Port Control, for a period of two years beginning with the date of execution of a contract, received on April 7, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$37,596.68, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,000.00.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 302-10.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Great Lakes Construction Company, for the public improvement of constructing addi-

tional employee parking spaces and related facilities at the Riveredge site at Cleveland Hopkins International Airport, base bid items plus 10% contingency and Item A-1, for the Department of Port Control, received on May 12, 2010 under the authority of Ordinance No. 905-09, passed February 8, 2010, upon a unit basis for the improvement, in the aggregate amount of \$1,588,164.05, is affirmed and approved as the lowest responsible bid; and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subcontractors by The Great Lakes Construction Company, is approved:

Subcontractor	CSB/MBE/FBE %	Amount
Midland Concrete & Sand Transportation, Inc.	17.31% CSB	\$275,000.00
Cuyahoga Fence, LLC	4.91% CSB/FBE	\$ 78,100.00
Lakeland Electric Supply Company, Inc.	2.63% CSB/FBE	\$ 41,800.00
Pro Construction, Inc.	5.54% CSB/MBE	\$ 88,000.00
Carron Asphalt Paving, Inc.	34.00% Non CSB/MBE/FBE	\$540,000.00
London Road Electric Company	15.11% Non CSB/MBE/FBE	\$240,000.00

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 303-10.

By Director Smith.

Resolved by the Board of Control of the City of Cleveland that the bid of Hepner Air Filter Service, Inc., for air filters, items 1, 2, 4, 5 and 7 for the various divisions, Department of Port Control, for a period of two years beginning with the date of execution of a contract, received on April 7, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$47,071.42 is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,000.00.

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

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

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

Resolution No. 304-10.

By Director Cox.
Whereas, Board of Control Resolution No. 244-10, adopted June 16, 2010, under the authority of Ordinance No. 808-09, passed by the Cleveland City Council on June 8, 2009, selected Osborn Engineering to provide the City of Cleveland with professional services to complete the Rehabilitation of Parking Facilities; and

Whereas, Resolution No. 244-10 included an incorrect date of proposal submitted by Osborn Engineering; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 244-10, adopted by this Board on June 16, 2010, authorizing the Director of Parks, Recreation, & Properties to enter into a written contract with Osborn Engineering, is amended by substituting "December 17, 2009" for "December 18, 2009" as the correct date of proposal from Osborn Engineering.

Be it further resolved that all other provisions of Resolution No. 244-10 not expressly amended above shall remain unchanged and in full force and effect.

Be it further resolved, that the Director of Parks, Recreation, & Properties is authorized to execute all documents and to do all things necessary to effect the correction of the incorrect proposal date stated above.

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

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

Resolution No. 305-10.

By Director Rush.
Whereas, under the authority of Ordinance No. 695-07, passed by the Council of the City of Cleveland on June 11, 2007, and Resolution No. 677-07, adopted by this Board on December 19, 2007, the City, through its Director of Community Development, entered into City Contract No. 67769 with Graddic Company ("Consultant") for the professional services necessary to provide follow-up Decent, Safe and Sanitary (DSS) Dwelling Inspections on units of housing previously completed under a Housing and Urban Development ("HUD") program; and

Whereas, the City requires additional follow-up Decent, Safe and Sanitary (DSS) Dwelling Inspections on units of housing previously completed under certain Housing and Urban Development ("HUD") programs; and

Whereas, Consultant has proposed by its July 15, 2010 letter to perform the necessary additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Community Development is authorized to enter into a first modification to City Contract No. 67769 with Graddic Company, on the basis of Consultant's July 15, 2010 proposal, for the above-mentioned additional Decent, Safe and Sanitary (DSS) Dwelling Inspections and increasing the fees for all services by \$35,000 to \$72,150.00.

Be it further resolved, that the Director of Community Development is authorized to execute all documents and to do all things necessary to effect the first modification to Contract No. 67769 authorized above.

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

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

Resolution No. 306-10.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 119-28-119 (Southerly half) located at 2222 East 81st Street in Ward 5; and

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

Whereas, Sandra Sams, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Sandra Sams for the sale and development of Permanent Parcel No. 119-28-119 (Southerly half) located at 2222 East 81st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

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

Resolution No. 307-10.

By Director Rush.
Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program")

according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 018-11-085 located at 10700 Florian Avenue in Ward 17; and

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

Whereas, Kevin Emerson Dubber, Trustee, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion only; and

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Kevin Emerson Dubber, Trustee for the sale and development of Permanent Parcel No. 018-11-085 located at 10700 Florian Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

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

Resolution No. 308-10.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 006-05-038 located at 7816 Lawn Avenue in Ward 15; and

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

Whereas, Altagracia Gil, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Altigracia Gil for the sale and development of Permanent Parcel No. 006-05-038 located at 7816 Lawn Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 309-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 132-13-128 located at 6115 Lansing Avenue in Ward 12; and

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

Whereas, Michael S. Balli, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Michael S. Balli

for the sale and development of Permanent Parcel No. 132-13-128 located at 6115 Lansing Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 310-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 119-28-119 (Northerly half) located at 2222 East 81st Street in Ward 5; and

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

Whereas, Frank Smith and Gwendolyn Smith, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Frank Smith and Gwendolyn Smith for the sale and development of Permanent Parcel No. 119-28-119 (Northerly half) located at 2222 East 81st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

Resolution No. 311-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 003-09-065 located at 5710 Tillman Avenue in Ward 15; and

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

Whereas, Jack Meyers-Kiousis and Alanna Meyers-Kiousis, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Jack Meyers-Kiousis and Alanna Meyers-Kiousis for the sale and development of Permanent Parcel No. 003-09-065 located at 5710 Tillman Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Carroll.

MARK R. MUSSON,
Acting Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the

commission not later than the final closing date stated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 9, 2010

9:30 A.M.

Calendar No. 10-117: 4005 Bridge Avenue (Ward 3)

Donald and Julie Hallum, owners, appeal to change an existing factory to a two family residence and storage of personal items located on a 49.50' x 221.08' lot in a Two-Family District; contrary to Section 355.05(4) providing a minimum lot width of 49.50 feet where 50 feet is required; and a zero front yard setback contrary to Section 357.04(a) that requires 33 feet to equal 15 percent of the lot depth, an average line of existing setback areas that equals 5.8 feet; and zero distance is provided where no less than 10 feet is required from a main building on an adjacent lot and a minimum of 3 feet for interior side yards is required, contrary to Sections 357.09(2) A and B; and a fence that exceeds 3 feet is provided where no fence shall be higher than its distance from a residence building on an adjoining lot, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 10-120: 3900 Lorain Avenue (Ward 3)

Niagra Homes Ltd., owner, and Ian Engasser, tenant, appeal to change from three stores and one dwelling unit to a restaurant and one dwelling unit an existing mixed use building in a Local Retail Business District; contrary to Section 349.04(f) four parking spaces are credited and eight spaces are needed to fulfill the off-street parking requirement; and the existing nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 of the Cleveland Codified Ordinances.

Calendar No. 10-121: 3166 West 11th Street (Ward 3)

Brian Jones, owner, and Steve Siedlecki appeal to change a two family dwelling unit to a use for a retail store, a gift shop, located in a Two-Family District, subject to the limitations of Section 337.03 the proposed use is not permitted and first allowed in a Local Retail Business

District; and under the provisions in Section 329.03(c)(3), the Board may permit in any use district a modification of use regulations as may be necessary to secure an appropriate development of a lot adjoining buildings or uses not conforming to the regulations, provided that the modification of use permitted is not other than those listed in the Cleveland Zoning Code as permitted in the use district next lower in order of restrictiveness to the district in which such lot is located.

Calendar No. 10-124: 2214 Denison Avenue (Ward 3)

James J. Marconi Trust, owner, appeals to change a pattern shop identified as located in "Building B" to a use for vehicle repair and painting, a body shop, on a 70' x 266.75' irregular shaped lot in a Multi-Family District, where the proposed use is not permitted and first permitted in a Semi-Industry District pursuant to Section 345.03(c)(2) that requires such use is not located less than 100 feet from a Residence District; and the Board of Zoning Appeals approval is required for a substitution of a nonconforming use after a public hearing to determine that such substitution or other 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 to be attracted to the premises or in any other characteristic of the new use as compared with the previous use, as stated in Section 359.01 of the Cleveland Zoning Code.

Calendar No. 10-125: 3705 West 37th Street (Ward 14)

Robert Wendorf, owner, appeals to erect a 5' x 5' pre-manufactured wheelchair lift on a 30.51' x 130' parcel in a Two-Family District, where a wheelchair lift is not a permitted encroachment in the front yard area, according to Section 329.04(c)(1) of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 26, 2010

At the meeting of the Board of Zoning Appeals on Monday, July 26, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-108: 4464 Pearl Road St. Mark Evangelical Lutheran Church appealed to erect a double faced message ground sign on a corner parcel in a Local Retail Business District; subject to condition.

Calendar No. 10-115: 2344 West 5th Street

Dan Leamon appealed to erect a single family residence in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 10-34: 16569 St. Clair Avenue

Calabrese Cement & Masonry Contractor, Inc., owner, and Utilities Equipment and Supply Company, lessee, appealed to construct an office shed and use for composting facility on acreage in Semi-Industry and General Industry Districts.

The following appeals were **Withdrawn:**

Calendar No. 10-110: 2162 West 40th Place

Michelle Fenn appealed to erect an accessory shed on a vacant lot in a Two-Family District.

Calendar No. 10-80: 3403 Croton Avenue

Robert Modic appealed to expand the use of a tavern and restaurant in a General Industry District.

Calendar No. 10-91: 4106 Pearl Road

Mathile Sadd, owner, and Antonio Iannaggi, tenant, appealed to establish a motor vehicle repair garage pursuant to Section 325.487 in a Local Retail Business District.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

None.

The following appeals heard by the Board on July 19, 2010 were adopted and approved on July 26, 2010.

The following appeals were **Approved:**

Calendar No. 10-109: 6614 Wakefield Avenue

City of Cleveland and the Department of Community Development appealed to install chain link fence in the front yard of a lot in a Two-Family District.

Calendar No. 10-111: 9301 Woodland Avenue

Mousa Kash appealed to install 90 percent opaque chain link fence along the eastern perimeter of a corner parcel in a General Industry District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
July 7, 2010

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

Docket A-217-09.

RE: Appeal of Nathaniel Kurash, Owner of Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 2155 West 41st Street from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated October 24, 2008 of the director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 2155 West 41st Street to the Department of Building and Housing, noting that the Violation Notice was properly issued and no action has been taken by the Appellant. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-54-10.

RE: Appeal of Steve Gomillion/800 Literary LLC, Owner of Property located on the premises known as 801 Literary Avenue from a LIMITATION ON THE PERMIT, dated November 30, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-61-10.

RE: Appeal of Patricia and Kate Zadavec, Owner of MXD Mixed Uses — Multiple Uses In One Building Two Story Masonry Walls/Wood Floors Semi-Industry Property located on the premises known as 2444 St. Clair Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 08, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to present the City with documentation regarding the disposition of the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-71-10.

RE: Appeal of ElQuinn D. McClarty, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 17404 Elsienna Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 22, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-72-10.

RE: Appeal of Joe Trunzo, Owner of One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 3102 Chestnutdale Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 06, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant fourteen (14) days in which to clean up the exterior of the property and three (3) months in which to complete the exterior violation renovations, and six (6) months in which to complete all violation renovations. The property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-73-10.

RE: Appeal of Thor Realty, Owner of the Two Dwelling Units Two-Family Residence One & One/half Story Frame Property located on the premises known as 16103 Trafalgar Avenue from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated October 10, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to REMAND the property to the Department of Building and Housing for supervision and

any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-74-10.

RE: Appeal of Terrence Rollins, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 1105 Lakeview Road from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated October 27, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued and the appeals are denied. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting no attendance by the Appellant and the continued lack of effort on the Appellant. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-75-10.

RE: Appeal of Terrence Rollins, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 10802 Morison Avenue from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated October 27, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued and the appeals are denied. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting no attendance by the Appellant and the continued lack of effort by the Appellant. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-76-10.

RE: Appeal of James Kajtoch, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 997 Eddy Road from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated September 23, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codi-

fied Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-78-10.

RE: Appeal of Bohemia Properties LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 941 Rudyard Road from a 14 DAY CONDEMNATION ORDER — MS, dated August 27, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled for July 21, 2010.

* * *

Docket A-79-10.

RE: Appeal of Csaba Varga, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 949 East 140th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 27, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-79-10 have been POSTPONED; to be rescheduled for July 21, 2010.

* * *

Docket A-80-10.

RE: Appeal of David M. Dotson, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 1851 East 93rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 17, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-80-10 have been POSTPONED; to be rescheduled for August 18, 2010.

* * *

Docket A-81-10.

RE: Appeal of C-Town Transportation, Inc., Owner of F-2 Factory — Low Hazard (Non-combustibles) Two Story Masonry Property located on the premises known as 2654 Lisbon Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated March 05,

2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued and to REMAND the property at 2654 Lisbon Road to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-82-10.

RE: Appeal of Suburban Acres Development Group, LLC, Owner of Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 3264 East 117th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated February 25, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-83-10.

RE: Appeal of Jatone D. Washington, Owner of Two Dwelling Units Two-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 819 London Road from a 7 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated November 15, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to abate all exterior violations within forty-five (45) days and any issues with the interior of the structure to be investigated by the inspector this week and three (3) months in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

Docket A-85-10.

RE: Appeal of Curt Allan Realty, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2171 West 81st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 11, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 01, 2010 in which to abate all violations and obtain a Certificate of Occupancy. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-86-10.

RE: Appeal of Anthony C. DiFrancesco, Owner of Two Dwelling Units Two & One/half Story Masonry Walls/Wood Floors Property located on the premises known as 15007 Ridpath Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 18, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to abate the exterior violations on the residence and garage within thirty (30) days, and four (4) months, both starting two (2) weeks from today, in which to abate all violations; failure to meet either date will Remand the property immediately to the Department of Building and Housing. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-87-10.

RE: Appeal of John T. Mumhrey, Owner of Residential Property located on the premises known as 16701 Ridgerton Drive from a LIMITATION ON THE PERMITS, dated December 21, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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Docket A-89-10.

RE: Appeal of Mars Urban Solutions, LLC C/O Michael Majeski, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12021 Imperial Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to present a plan and obtain permits for abatement of the violations; and six (6) months in which to abate all violations, the property is to remain secured and the grounds debris free during that period of time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-128-10.

RE: Appeal of David M. Dotson, Owner of the Two & One/half Story wood Frame/Siding/Masonry Veneer Property located on the premises known as 1846 East 93rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 06, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-80-10 has been POSTPONED; to be rescheduled for August 18, 2010.

* * *

Docket A-203-10.

RE: Appeal of Brian Lyon, Owner of Property located on the premises known as 9208 Detroit Road from an ADJUDICATION ORDER, dated April 15, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to either install a sprinkler system per the Adjudication Order or to abandon the basement to public use, to maintain the basement broom clean, with no combustibles, and to limit the first floor occupancy to less than 100 occupants; noting the permit drawings with these comments; and that the existing toilet rooms can remain present count, noting that the occupancy is male

oriented, and that shall the occupancy classification change, the toilet facilities must be brought up to current codes. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-243-10.

RE: Appeal of New Century Systems LLC, Owner of Property located on the premises known as 3615 Superior Avenue from an ADJUDICATION ORDER, dated June 03, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled after the Department of Building Housing's review.

* * *

Docket A-253-10.

RE: Appeal of Suburban Acres Development Group, LLC, Owner of MXD Mixed Uses — Multiple Uses In One Building Two Story Masonry Walls/ Wood Floors Property located on the premises known as 12031 Continental Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of all exterior violations and one hundred eighty (180) days in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-259-10.

RE: Appeal of AJAPJR Upton LLC, Owner of the Properties located on the premises known as 11451 & 11452 Euclid Avenue from an ADJUDICATION ORDER, dated June 25, 2010 of the Director of the Department of Building and Housing, re-quiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances required to allow the exit doors to open on all sides of the building, noting that the sidewalk on the Euclid Avenue side is 12 feet and that the doors on the other areas are in the setback, except the rear doors that are on the property

line until property line issues are resolved. At that time the doors will comply with the codified ordinances. The structural foundations at the perimeter of the building required for the foundation supports are granted a variance of approximately 12 inches beyond the 12 inches usually permitted, noting the concurrence of the City with the necessity of these units. The Fire Department access around the high-rise buildings, on the south side of Euclid Avenue are to be maintained under any eventual plans for the properties. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

EXTENSION OF TIME:

Docket A-307-09 — Carnell Austin — 9816 Lamont Avenue:

Request for an extension of time with WITHDRAWN at the request of the Appellant.

* * *

APPROVAL OF RESOLUTIONS:

Approval of resolutions from June 23, 2010 will be Adopted on July 21, 2010.

* * *

APPROVAL OF MINUTES:

Approval of minutes from June 23, 2010 will be Adopted on July 21, 2010.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, AUGUST 12, 2010

File No. 125-2010 — 2010 Citywide Cars, Vans, & EMS Washing Services, for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, AUGUST 3, 2010 AT 2:00 P.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 21, 2010 and July 28, 2010

FRIDAY, AUGUST 20, 2010

File No. 128-2010 — Purchase of Whale Mural Maintenance, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING** FRIDAY, JULY 30, 2010 AT 11:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 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.

July 21, 2010 and July 28, 2010

WEDNESDAY, AUGUST 25, 2010

File No. 126-2010 — Window Washing Services, for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, AUGUST 11, 2010 AT 11:30 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114

File No. 127-2010 — Unarmed, Uniformed Security Guards, for the various Divisions of City government, Department of Finance, as authorized by Ordinance No. 893-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, AUGUST 11, 2010 AT 10:30 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114

July 21, 2010 and July 28, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 933-10.

By Council Member J. Johnson.
An emergency resolution supporting the application from the Famicos Foundation to the Ohio Department of Development for a Brownfield Revolving Loan Fund for 1341 East Boulevard in Ward 8.

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

Whereas, the Famicos Foundation is submitting a Brownfield Revolving Loan Fund Program Application to complete eligible activities, including the performance of remedial activities at the 1341 East Boulevard redevelopment project; and

Whereas, 1341 East Boulevard is an approximately 0.27 acre property located principally at 1341 East Boulevard identified as Permanent Parcel Number 107-23-031, in Ward 8 in the City of Cleveland; and

Whereas, the Famicos Foundation intends to remediate the property, currently a vacant six-unit residential property, for continued use as a six-unit residential property; and

Whereas, the City is committed to working with the Famicos Foundation to pursue the remediation and redevelopment of the property; and

Whereas, the Brownfield Revolving Loan Fund loan or grant is vital to making the completion of the 1341 East Boulevard redevelopment project economically feasible; and

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

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

Section 1. That this Council hereby supports the application from the Famicos Foundation to the Ohio Department of Development for a Brownfield Revolving Loan Fund for 1341 East Boulevard in Ward 8.

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 July 14, 2010.

Effective July 27, 2010.

Res. No. 938-10.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison Avenue, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from WB Holdings, Inc., 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 9279409 to K & M Tavern, LLC, 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102 Permanent Number 4423629; 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 D1, D2, D3, D3A and D6 Liquor Permit from WB Holdings, Inc., 10510-12 Madison

Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 9279409 to K & M Tavern, LLC, 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102 Permanent Number 4423629; 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 July 14, 2010.

Effective July 22, 2010.

Res. No. 939-10.

By Council Member Brancatelli.

An emergency resolution objecting to the transfer of Liquor License of a D5 and D6 Liquor Permit to 4061 East 71st Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 and D6 Liquor Permit from Factory Restaurant, Inc., DBA The Factory, 1385 East 36th Street, 401A 1st floor and patio, Cleveland, Ohio 44114, Permanent Number 2621814 to Big Boss S Barbeque & Lounge, LLC, 4061 East 71st Street, Cleveland, Ohio 44113, Permanent Number 0698762; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section

4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 and D6 Liquor Permit from Factory Restaurant, Inc., DBA The Factory, 1385 East 36th Street, 401A 1st floor and patio, Cleveland, Ohio 44114, Permanent Number 2621814 to Big Boss S Barbeque & Lounge, LLC, 4061 East 71st Street, Cleveland, Ohio 44113, Permanent Number 0698762, 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 July 14, 2010.

Effective July 22, 2010.

Res. No. 940-10.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of renewal of a C1 Liquor Permit to 2101 Denison Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 7363142 owned by Ridas Deli, Inc., 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in

accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 941-10.

By Council Member Cimperman.

An emergency resolution objecting to a New C1 Liquor Permit at 4423 Detroit Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Noshy Henen, DBA Thomas Beverage, 4423 Detroit Avenue, Cleveland, Ohio 44113, permanent Number 3759138; 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 Noshy Henen, DBA Thomas Beverage, 4423 Detroit Avenue, Cleveland, Ohio 44113, Permanent Number 3759138; 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 July 14, 2010.

Effective July 22, 2010.

Res. No. 942-10.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D6 and a New D3A Liquor Permit to 75 Public Square.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Dambro, Inc., DBA Lincoln Inn, 75 Public Square, Unit 101, 1st floor and rear, Cleveland, Ohio 44113, Permanent Number 1892913 to Prime 75, Inc., 75 Public Square, Unit 101, 1st floor and rear, Cleveland, Ohio 44113, Permanent Number 7085792 and a New D3A Liquor Permit to Prime 75, Inc., 75 Public Square, Unit 101, 1st floor and rear, Cleveland, Ohio 44113, Permanent Number 7085792; 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 D1, D2, D3 and D6 Liquor Permit from Dambro, Inc., DBA Lincoln Inn, 75 Public Square, Unit 101, 1st floor and rear, Cleveland, Ohio 44113, Permanent Number 1892913 to Prime 75, Inc., 75 Public Square, Unit 101, 1st floor and rear, Cleveland, Ohio 44113, Permanent Number 7085792 and a New D3A Liquor Permit to Prime 75, Inc., 75 Public Square, Unit 101, 1st floor and rear, Cleveland, Ohio 44113, Permanent Number 7085792; 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 July 14, 2010.

Effective July 22, 2010.

Res. No. 943-10.

By Council Member Cleveland.
An emergency resolution objecting to the transfer of renewal of a C1 Liquor Permit at 2165 East 55th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 0023990-00015 owned by Abeco Ayad, Inc., 2165 East 55th Street, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 944-10.

By Council Member Cleveland.
An emergency resolution objecting to the transfer renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3560 East 93rd Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 46687270001 owned by Kirksey, Inc., DBA Hank's, 3560 East 93rd Street, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.
Effective July 22, 2010.

Res. No. 945-10.
By Council Member Cummins.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 3101 Scranton Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 23943930005 owned by Eaman, Inc., DBA Gas USA, 3101 Scranton Road, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section

4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.
Effective July 22, 2010.

Res. No. 946-10.
By Council Member J. Johnson.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3400 St. Clair Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A and D6 Liquor Permit, Permit No. 3958802 owned by Hong Kong Trading Center, Inc., DBA Baby Grand Restaurant and Lounge, 3400 St. Clair Avenue, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.
Effective July 22, 2010.

Res. No. 947-10.
By Council Member K. Johnson.
An emergency resolution objecting to the renewal of a C1 Liquor Permit at 2975 Woodhill Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 4997986 owned by Lamater, Inc., DBA Woodhill Deli, 2975 Woodhill Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.
Effective July 22, 2010.

Res. No. 948-10.
By Council Member Miller.
An emergency resolution objecting to the renewal of a D1, D2, D3, and D3A Liquor Permit at 18029 Euclid Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, S, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 4307201 owned by Johnny & Co. Bar & Grille, LLC, 18029 Euclid Avenue, Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 949-10.

By Council Member Mitchell.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 7819-21 Cedar Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor per-

mit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 6412877 owned by Nijmah Food Company, LLC, DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 950-10.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 15637 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Cleveland D C Marketing, Inc., DBA Stop N Save Food Mart, 15637 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 1879637 to Sujata, Inc., DBA Stop N Save Food Mart, 15637 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 8681392; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Cleveland D C Marketing, Inc., DBA Stop N Save Food Mart, 15637 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 1879637 to Sujata, Inc., DBA Stop N Save Food Mart, 15637 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 8681392; 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 July 14, 2010.

Effective July 22, 2010.

Res. No. 951-10.

By Council Member Reed.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3744 East 144th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operat-

ed his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 0300177 owned by Mader Assad, DBA One Stop Market, 3744 East 144th Street, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 952-10.
By Council Member Reed.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 11334 Miles Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Miles Mini Mart, Inc., 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 5951324 to Farris, Inc., DBA Farris Mini Market, 11334 Miles Avenue, Cleveland, Ohio 44105 Permanent Number 2650356; and

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Miles Mini Mart, Inc., 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 5951324 to Farris, Inc., DBA Farris Mini Market, 11334 Miles Avenue, Cleveland, Ohio 44105 Permanent Number 2650356; 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 July 14, 2010.

Effective July 22, 2010.

Res. No. 953-10.
By Council Member Reed.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 4563 Warner Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 0498906 owned by Basimas, Inc., 4563 Warner Road, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 954-10.
By Council Member Zone.
An emergency resolution objecting to a New C1 Liquor Permit at 8000 Lawn Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Modestos Market, Inc., 8000 Lawn Avenue, Cleveland, Ohio 44102 Permanent Number 6077718; 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 Modestos Market, Inc., 8000 Lawn Avenue, Cleveland, Ohio 44102, Permanent Number 6077718; 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 July 14, 2010.

Effective July 22, 2010.

Res. No. 955-10.

By Council Member Zone.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 2044 West 65th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 0117346 owned by Abdelsalem All, DBA A & F Food Market, 2044 West 65th Street, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 956-10.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 2325 Elm Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit Nos. 5870816, 58708160003 and 58708160004 owned by Metropolis Night Club, Inc., 2325 Elm Street, Elm Street Bar 3 and Elm Street Bar 4, Cleveland, Ohio 44113 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 957-10.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 75 Public Square, Unit 101, 1st floor and rear.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 7085792 owned Prime 75, Inc., 75 Public Square, Unit 101, 1st floor and rear, Cleveland, Ohio 44113 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal

grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 958-10.

By Council Member Cummins.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 5110 Clark Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 98723320005 owned by Zaben, Inc., 5110 Clark Avenue, Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 959-10.

By Council Member Cummins.

An emergency resolution objecting to the renewal of a C1 Liquor Permit 3425 Fulton Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 1544346 owned by Cleveland Convenient Store, LLC, 3425 Fulton Road front, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 960-10.

By Council Member Cummins.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit 3101 Scranton Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 2394393-0005 owned by Eaman, Inc., DBA Gas USA, 3101 Scranton Road, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 961-10.

By Council Member J. Johnson.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 453 Dundee Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor per-

mit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 5380275 owned by M & M Allan, Inc., DBA Central Food Market, 453 Dundee Avenue, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.
Effective July 22, 2010.

Res. No. 962-10.
By Council Member Kelley.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4450-52 Broadview Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 6430477 owned by No Club, Inc., 4450-52 Broadview Road, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.
Effective July 22, 2010.

Res. No. 963-10.
By Council Member Kelley.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 6101 Memphis Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1184084 owned by Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.
Effective July 22, 2010.

Res. No. 964-10.
By Council Member Kelley
An emergency resolution objecting to the renewal of a D2, D2X, D3, and D3A Liquor Permit at 4693 State Road, 1st floor and basement front.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No. 6381965 owned by Nicetime, Inc., DBA Dirty Dog, 4693

State Road, 1st floor and basement front, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Res. No. 965-10.

By Council Member Kelley.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 4716 State Road, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 6277278 owned by NK Beverage, Inc., 4716 State Road, 1st floor and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 501-10.

By Council Member Pruitt.

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

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

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

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

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

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

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

(c) In addition to the penalties set forth in Section 403.99, any mobile or moveable basketball hoop or any equipment or device used as a mobile or moveable basketball hoop, found to have been used in violation of division (b) of this Section, without regard to the ownership of the property, is hereby declared to be contraband, and shall be seized and disposed of in accordance with Chapter 2981 of the Revised Code.

Section 2. That existing Section 411.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1263-02, passed October 28, 2002 is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 544-10.

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

An emergency ordinance authorizing the Director of Public Utilities to purchase an intelligent street light monitoring system, including labor and materials needed to install the system and installation, if necessary, to be attached on a limited number of poles during a one-year pilot program, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, the Department of Public Utilities desires to implement a one-year pilot program by installing an intelligent street light monitoring system on a limited number of poles to evaluate the use of a City-wide system; 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 Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one intelligent street light monitoring system, including labor and materials needed to install the system, and installation, if necessary, to implement an Intelligent Street Light Monitoring System Pilot Program for a period of one-year, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. RQS 2004 RL 2010-52.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 559-10.

By Council Member Zone.

An ordinance to change the Use District of land on the east side of West 65th Street north of Detroit Avenue from Two Family Residential to Local Retail Business. (Map Change No. 2302; 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 65th Street at its intersection with the centerline of Detroit Avenue;
Thence northerly along said centerline of West 65th Street to its intersection with the westerly prolongation of the southerly line of Sublot No. 3 in Jacob Perkin's Subdivision shown on the recorded plat in Volume 25, Page 19 of Cuyahoga County Map Records;

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

Thence northerly along said easterly line to its intersection with the southerly line of Sublot No. 4 in the aforementioned Jacob Perkin's Subdivision;

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

Thence northerly along said easterly line of Sublot No. 4 and along its northerly prolongation to its intersection with the southerly line of Sublot No. 7 in the aforementioned Jacob Perkin's Subdivision;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of West 65th Street;

Thence southerly along said centerline of West 65th Street to its intersection with the centerline of Detroit Avenue and the principal place of beginning,

and as shaded on the attached map is changed to Local Retail Business.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2302, 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.



AREA TO BE REZONED LOCAL RETAIL (LR)

Passed July 14, 2010.
Effective August 13, 2010.

Ord. No. 696-10.
By Council Members Miller and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more contracts of recycling receptacles and dumpsters, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: recycling receptacles and dumpsters to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Waste Collection and Disposal, Department of Public Service.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Service may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall not exceed \$125,000 and shall be paid from Fund No. 20 SF 670, Request No. RQS 4003 RL 2010-108.

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 July 14, 2010.
 Effective July 22, 2010.

Ord. No. 723-10.
By Council Members Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply to the Northeast Ohio Area-wide Coordinating Agency for funding assistance for various road, bridge, streetscape, bikeway, and other projects throughout the City under the Five Year Capital Improvement Program.

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

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

Section 1. That the Director of Public Service is authorized to apply to the Northeast Ohio Area-wide Coordinating Agency ("NOACA") for funding assistance, on behalf of the City of Cleveland, for various road, bridge, streetscape, bikeway, and other projects under Five Year Capital Improvement Program which are placed in File No. 723-10-A.

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

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

Passed July 14, 2010.
 Effective July 22, 2010.

Ord. No. 804-10.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of Microsoft licenses for the various divisions of City government, for a period up to three years, with three one-year options to renew, the first and third of which are exercised through additional legislative authority.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to three years, with three one-year options to renew, of the necessary items of Microsoft licenses, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Finance, without the necessity of obtaining additional authority of this Council. The third one-year option to renew may not be exercised by the Director of Finance without additional legislative authority. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (Request RQN 1511 RL 2010-34)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or

any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed July 14, 2010.
 Effective July 22, 2010.

Ord. No. 805-10.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of disposal of debris at landfills, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (Request RQN 2002, RL 2010-22)

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

selected through that cooperative process.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 807-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Ohio Emergency Management Agency for the 2008 Metropolitan Medical Response System Program; authorizing the Director to employ one or more professional consultants to implement the grant; authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals and Cuyahoga County; authorizing the purchase by one or more requirement or standard contracts of materials, equipment, services, and supplies, including training, conducting exercises, and program planning needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$321,221, from Ohio Emergency Management Agency to conduct the 2008 Metropolitan Medical Response System (MMRS) Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the notice of award for the grant contained in the file described below.

Section 2. That the notice of award for the grant, File No. 807-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County and other agencies, entities, or individuals to implement the grant as described in the file.

Section 5. That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of materials, equip-

ment, services, and supplies, including training, conducting exercises, and program planning, needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 6. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the Director of Public Safety 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 implement the grant as described in the file.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety 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 Safety, and certified by the Director of Finance.

Section 9. That the cost of the contract or contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 808-10.

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

An emergency ordinance authorizing the Director of Public Safety to

apply for and accept a grant from Ohio Emergency Management Agency for the 2009 Metropolitan Medical Response System Program; authorizing the Director to employ one or more professional consultants to implement the grant; authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals and Cuyahoga County; authorizing the purchase by one or more requirement or standard contracts of materials, equipment, services, and supplies, including training, conducting exercises, and program planning needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$321,221, from Ohio Emergency Management Agency to conduct the 2009 Metropolitan Medical Response System (MMRS) Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the notice of award for the grant contained in the file described below.

Section 2. That the notice of award for the grant, File No. 808-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County and other agencies, entities, or individuals to implement the grant as described in the file.

Section 5. That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of materials, equipment, services, and supplies, including training, conducting exercises, and program planning, needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 6. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requi-

sition against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the Director of Public Safety 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 implement the grant as described in the file.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety 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 Safety, and certified by the Director of Finance.

Section 9. That the cost of the contract or contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 809-10.

By Council Members Conwell and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice through the Ohio Office of Criminal Justice Services for the FY 2006 Comprehensive Anti-Gang Initiative Enforcement Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$68,867, from the United States Department of Justice through the Ohio Office of Criminal Justice Services to conduct the FY 2006 Comprehensive Anti-Gang Initiative (CAGI) Enforcement Program; that the Direc-

tor is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 809-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 810-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the 2010 Paul Coverdell Forensic Science Improvement Program; authorizing the purchase by one or more written standard purchase and requirement contracts of materials, equipment, supplies, and services needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$173,864, and any other funds that may become available during the grant term, from the United States Department of Justice to conduct the 2010 Paul Coverdell Forensic Science Improvement Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 810-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, during the grant term of the necessary items of materials, equipment, supplies, and services necessary to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

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

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds which are accepted under this ordinance.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 811-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Public Safety for the 2008 Port Security Grant; and authorizing one or more requirement and standard contracts for materials, equipment, supplies, and services, including training, needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$361,500, and

any other funds that may become available during the grant term from the United States Department of Public Safety to conduct the 2008 Port Security Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 811-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$120,500, payable from Fund No. 11 SF 006, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services, including all necessary training, needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 6. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one quick response boat and one police response boat, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 812-10.
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Public Safety for the 2009 Port Security Grant; and authorizing one or more standard contracts for a vehicle needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$75,000, and any other funds that may become available during the grant term from the United States Department of Public Safety to conduct the 2009 Port Security Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 812-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one vehicle to tow the smaller boats and store dive equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed July 14, 2010.
Effective July 22, 2010.

Ord. No. 816-10.
By Council Member Cimperman.

An emergency ordinance approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the Downtown Cleveland Improvement District and to provide additional security, additional cleaning and maintenance of the public rights-of-way within the District and collective economic development and marketing of the District in the City of Cleveland; determining to proceed to provide additional security, cleaning and maintenance of the public rights-of-way within the District, and collective economic development and marketing of the District; adopting the assessments; levying the assessments; and authorizing the Director of Economic Development to enter into an agreement with the Downtown Cleveland Improvement Corporation.

Whereas, the Assessment Equalization Board appointed under Resolution No. 771-10, adopted May 24, 2010, to hear and determine all objections concerning the estimated assessments under Resolution No. 369-10, adopted April 12, 2010, to provide for additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District; and

Whereas, the Assessment Equalization Board has filed its report with this Council as to its determination of the objections; and

Whereas, this Council deems the report proper in all respects; 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 report of the Assessment Equalization Board, appointed under Resolution No. 771-10, adopted May 24, 2010, with respect to Paragraphs 1 through 5, is approved, and placed in File No. 816-10-A. With respect to Paragraph 6 of the report, this Council concurs in the recommendation; it refers the recommendation to the District for further action.

Section 2. That the assessments as reported by the Board are directed to be filed in the Office of the Clerk of this Council.

Section 3. That it is determined to proceed to provide additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the Downtown Cleveland Improvement District (collectively, "District Services") in the Downtown Cleveland Improvement District as established in Resolution No. 369-10, adopted April 12, 2010.

Section 4. That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and estimates previously approved and filed in the office of the Clerk of Council, in accordance with the estimates, as equalized.

Section 5. That all claims for damages resulting from the District Services that have been filed under law shall be judicially inquired into after completion of the District Services.

Section 6. That it is further determined that the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 7. That the list of assessments as reported by the Board, for the cost of the District Services as reported to this Council, placed in the filed mentioned above, and aggregating \$18,688,005.81 are adopted and confirmed as final assessments.

Section 8. That the several amounts of the final assessments are assessed and levied on the lots and lands benefited and to be charged therewith in the Downtown Cleveland Improvement District in proportion to the benefits as described in the Resolution of Necessity.

Section 9. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 10. That the Clerk of Council is directed to continue to file in her office a list of the assessments and the description of the lots and lands.

Section 11. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City on or before January 15, 2011. The second through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2012 through 2015. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 12. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 13. That the Clerk of this Council is directed to cause notice of the levy of the assessments to be

filed with the County Auditor within twenty (20) days following the passage of this ordinance.

Section 14. That the Clerk of Council is directed to cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City.

Section 15. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 16. That the Director of Economic Development is authorized to enter into a contract with Downtown Cleveland Improvement Corporation setting forth the terms under which the City will levy an assessment for the Downtown Cleveland Improvement District and the use of the proceeds of the assessments levied herein.

Section 17. 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 July 14, 2010.

Effective July 22, 2010.

**Ord. No. 817-10.
By Council Member Polensek.
An emergency ordinance designating St. John Nottingham 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 St. John Nottingham 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 St. John Nottingham Lutheran Church and School as a landmark; and

Whereas, the Commission has recommended designation of St. John Nottingham 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 St. John Nottingham Lutheran Church and School, whose street addresses in the City of Cleveland are 17403-19 Nottingham Road, N.E., and 1027 East 176th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 113-

10-001 and 113-25-002, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being part of Original Euclid Township Tract Number 15 and bounded and described as follows: beginning on the Northerly line of Nottingham Road, N.E. (60 feet wide) at its intersection with the Westerly line of the Northwood Development Company, Inc. Subdivision Number 1 as shown by the recorded plat in Volume 194 Page 60 of Cuyahoga County Map Records; thence Northerly along the Westerly line of said Northwood Development Company Inc. Subdivision Number 1 about 843 feet to a point; thence Southwesterly about 108.43 feet to the centerline of Euclid Creek; thence Southerly, Southwesterly, Westerly, and Northwesterly along the centerline of said Euclid Creek to the Southeasterly line of Lake Shore Boulevard; thence along the Southeasterly and Easterly line of said Lake Shore Boulevard to its intersection with Nottingham Road as aforesaid; thence Southeasterly along said Nottingham Road to the place of beginning and being also known as Cuyahoga County Auditor's Permanent Parcel Number 113-10-001, and

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot numbers 407, 408, and 409 in the proposed L. A. Moses Subdivision and bounded and described as follows: beginning on the Southerly line of Nottingham Road, N.E. (50 feet wide) at its intersection with the Easterly line of Sublot number 409 in the proposed L. A. Moses Subdivision; thence Westerly along the Southerly line of said Nottingham Road about 222.56 feet to the Easterly line of East 176 Street (50 feet wide); thence Southerly along the Easterly line of said East 176 Street about 210 feet to a point; thence Easterly at right angles to the last described line about 153.75 feet to a point; thence Southerly 20 feet to a point; thence Easterly 26.25 feet to a point; thence Northerly 25 feet to a point; thence Easterly 25 feet to the Easterly line of Sublot number 409 as aforesaid; thence Northerly along the Easterly line of said Sublot number 409 to 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.

Passed July 14, 2010.

Effective July 22, 2010 without the signature of the Mayor.

Ord. No. 830-10.**By Council Member Cimperman.**

An emergency ordinance to amend Section 683.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1172-07, passed June 9, 2008 relating to penalties for violation of sound device regulations by an organization.

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 683.99 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1172-07, passed June 9, 2008 is amended, respectively, as follows:

683.99 Penalty

(a) Whoever violates any of the provisions of this chapter shall be guilty of a fourth degree misdemeanor and, upon a first offense, shall be fined two hundred and fifty dollars (\$250.00), which fine shall not be suspended, waived or otherwise reduced below that amount, and subject to up to 30 days in jail. In addition, the equipment or device used in the commission of a violation of Section 683.01 or 683.02 shall be seized and disposed of under RC Chapter 2981.

(b) Whoever violates any provision of this chapter upon any subsequent offense shall be guilty of a misdemeanor of the third degree, and shall be fined five hundred dollars (\$500.00), which fine shall not be suspended, waived or otherwise reduced below that amount, and subject to up to 60 days in jail.

(c) An organization that violates any of the provisions of this chapter shall be guilty of a fourth degree misdemeanor and, upon a first offense, shall be fined two thousand dollars (\$2000.00) under Section 601.99(c), which fine shall not be suspended, waived or otherwise reduced below that amount. In addition, the equipment or device used in the commission of a violation of Section 683.01 or 683.02 shall be seized and disposed of under RC Chapter 2981.

(d) An organization that violates any provision of this chapter upon any subsequent offense shall be guilty of a misdemeanor of the third degree, and shall be fined three thousand dollars (\$3000.00) under Section 601.99(c), which fine shall not be suspended, waived or otherwise reduced below that amount. In addition, the City of Cleveland shall revoke any Music Entertainment permit issued to the organization under Chapter 692. The equipment or device used in the commission of a violation of Section 683.01 or 683.02 shall be seized and disposed of under RC Chapter 2981.

(e) Each day upon which a violation occurs or continues shall be a separate offense and punishable as such hereunder.

Section 2. That existing Section 683.99 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1172-07, passed June 9, 2008 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.

Passed July 14, 2010.
Effective July 22, 2010.

Ord. No. 836-10.**By Council Member Brancatelli.**

An emergency ordinance to amend Section 365.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 736-06, passed August 9, 2006, relating to rental registration fees collected from any one owner.

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 365.05 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 736-06, passed August 9, 2006 is amended, respectively, as follows:

365.05 Fees

(a) An application for a certificate of rental registration shall be accompanied by a nonrefundable fee calculated under the following schedule:

For Each Unit:

(1) \$35.00 Rental Registration Fee.

(2) \$5.00 Lead Inspection Fee.

A. This \$5.00 fee is waived if the structure was constructed on or after 1978.

B. This \$5.00 fee is waived if a Lead Maintenance Certificate or Lead-Based Paint Free Certificate covers the structure for the period of the certificate of rental registration.

(b) No fee shall be charged for a dwelling unit occupied by the owner.

(c) No fees shall be collected from any one owner for all properties owned by that owner within the City in excess of \$15,000 per calendar year.

(d) A certificate may be renewed prior to expiration on application and payment of the fee described above. A certificate that has expired may be renewed on payment of an additional fee of fifty dollars if renewed within one month of its expiration and a further additional fee of ten dollars per month thereafter.

Section 2. That existing Section 365.05 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 736-06, passed August 9, 2006 is repealed.

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

Passed July 14, 2010.
Effective July 22, 2010.

Ord. No. 876-10.**By Council Members J. Johnson, Conwell, Miller, Cleveland and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to University Circle Inc. to encroach into the public right-of-way of Euclid Avenue by installing, using, and maintaining 12 recycle bins and 15 bike racks.

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 University Circle Inc., 10831 Magnolia Drive, Cleveland, Ohio 44106-1887 ("Permittee"), to encroach into the public right-of-way of Euclid Avenue by installing, using, and maintaining 12 recycle bins and 15 bike racks, at the locations more fully shown on the map in Council File No. 876-10-A.

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

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 encroachments permitted.

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

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.

Passed July 14, 2010.
Effective July 22, 2010.

Ord. No. 892-10.**By Council Members Conwell and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the 2009 SAFER Grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the

approximate amount of \$1,029,724, and any other funds that may become available during the grant term from the United States Department of Homeland Security to conduct the 2009 SAFER Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant award for the grant contained in the file described below.

Section 2. That the grant award for the grant, File No. 892-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 893-10.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed, uniformed security guard services, for the various divisions of City government, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years, with two one-year options to renew, for the necessary items of unarmed, uniformed security guard services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Finance, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combina-

tion of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (Request No. RQN 1505, RL 2010-41)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 894-10.
By Council Member Sweeney (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1384-09, passed October 5, 2009, relating to designating the City of Cleveland as a recovery zone for the purpose of issuing recovery zone economic development bonds or recovery zone facility bonds and allocating the City's recovery zone facility bonds volume cap limitation to finance a portion of the costs of constructing the Flats East Development Project.

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 3 of Ordinance No. 1384-09, passed October 5, 2009, is amended to read as follows:

Section 3. That this Council authorizes the entire allocation of its Recovery Zone Facility Bond Volume Cap to Flats East Development LLC for the issuance of the Flats East Bonds to finance the Flats East Bank Project. This Council hereby authorizes the CPPA, SCPA, and Treasurer to issue Recovery Zone Facility Bonds for the Flats East Bank Project. This allocation is contingent upon bond counsel delivering a satisfactory opinion to the City that the issuance and use of proceeds of the Flats East Bonds comply with the requirements of the Code, including Code Sections 1400U-1 through 1400U-3, and the City being provided with satisfactory indemnification from the issuance of the

bonds. This allocation will terminate on September 30, 2010 unless the Flats East Bonds are issued on or before September 30, 2010.

Section 2. That existing Section 3 of Ordinance No. 1384-09, passed October 5, 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.

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 895-10.
By Council Member Sweeney (by departmental request).

An emergency ordinance to amend Section 18 of Ordinance No. 64-08, passed February 25, 2008, relating to refunding a portion of the City's currently outstanding Public Power System revenue bonds to obtain debt service savings or restructuring.

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 18 of Ordinance No. 64-08, passed February 25, 2008, is amended to read as follows:

Section 18. Effectiveness. This Ordinance shall remain in effect for the authorization of Series 2008 Refunding Bonds issued hereunder for four years from its date of adoption.

Section 2. That existing Section 18 of Ordinance No. 64-08, passed February 25, 2008, 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.

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 896-10.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept one or more grants from the Western Reserve Area Agency on Aging for 2011 and 2012 Western Reserve Area Agency on Aging Programs, including Supportive Service and Family Caregiver Support Programs; and authorizing the Director of Community Development to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept one or more grants in the aggregate approximate amount of \$300,000, and any other funds that may become available during the grant term from the Western Reserve Area Agency on Aging for 2011 and 2012 Western Reserve Area Agency on Aging Programs, including Supportive Service and Family Caregiver Support Programs; that the Director of Aging is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 896-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts necessary to implement the program as described in the file, payable from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 897-10.
By Council Members Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into a concession agreement with The Ohio State University Extension to provide food, nutrition, and development programs at the Miles Broadway Health Center, for a period of five years, with one option to renew for an additional five year period, exercisable by the Director of Public Health.

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

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

Section 1. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to enter into a concession agreement with The Ohio State University Extension ("OSU") to provide food, nutrition, and development programs at the Miles Broadway Health Center, for a period of five years commencing August 31, 2010, with one option to renew for an additional five year period, exercisable by the Director of Public Health. The services, include but are not limited to, providing food and nutrition education programs, including family nutri-

tion, family and consumer services, 4-H/youth development, horticulture, and community development services. The concession agreement may authorize OSU to make improvements to their operating area, subject to the approval of appropriate City agencies and officials, and may also authorize OSU to contribute a share of the operating costs at the Miles Broadway Health Center, including but not limited to security, seasonal groundskeeping services, utilities, and indoor building cleaning services.

Section 2. That the concession agreement shall be prepared by the Director of Law.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 898-10.
By Council Members Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Federal Childhood Lead Poisoning Prevention Program; and to enter into contract with the Ohio Department of Health for performance of environmental assessments of the residences of Medicaid-eligible children.

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 Health is authorized to apply for and accept a grant in the approximate amount of \$300,000 and any other funds that may become available during the grant term, from the Ohio Department of Health to conduct the Federal Childhood Lead Poisoning Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 898-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects, including the obligation to devote program income in the approximate amount of \$125,000.

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

Section 4. That the Director of Public Health shall deposit the

grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and is appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into contract with the Ohio Department of Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-eligible children during the grant term. The contract shall provide that the City will receive compensation for performing the assessments and to deposit those fees into a revolving fund which will be used to provide additional services under the program described in the file, in the approximate amount of \$75,000, and are appropriated for that purpose. The Director of Finance is authorized to receive and accept the compensation on behalf of the City and the Director of Public Health is authorized to sign the documents necessary to enter into the contract.

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program for analyzing blood samples and to deposit those fees into a revolving fund which will be used to provide additional services under the program described in the file, in the approximate amount of \$50,000, and the funds are appropriated for that purpose.

Section 7. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds and the first and third party billings, which include the Medicaid reimbursements and laboratory fees accepted under this ordinance.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 899-10.
By Council Members Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Public Health Infrastructure Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$211,507, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the Public Health Infrastructure Program; that the

Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 899-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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.

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 900-10.
By Council Members Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Kent State University for the Cleveland Consortium for Youth Violence Prevention Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$344,246, and any other funds that may become available during the grant term from Kent State University to conduct the Cleveland Consortium for Youth Violence Prevention (CCYVP) Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 900-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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.

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 901-10.
By Council Member Zone.
An emergency ordinance approving the report of the Assessment Equalization Board on objections concerning estimated assessments with respect to the Gordon Square Arts District - Cleveland Improvement District; determining to proceed to provide additional security, cleaning and maintenance of the public rights-of-way within the District, and collective economic development and marketing of the District; adopting the assessments; levying the assessments; and authorizing the Director of Economic Development to enter into an agreement with the District.

Whereas, the Assessment Equalization Board appointed under Resolution No. 832-10, adopted June 7, 2010, to hear and determine all objections concerning the estimated assessments under Resolution No. 621-10, adopted May 17, 2010, to provide for additional security for the Gordon Square Arts District - Cleveland Improvement District (the "District"), cleaning and maintenance of the public rights-of-way within the District, and collective economic development and marketing of the District; and

Whereas, the Assessment Equalization Board has filed its report with this Council as to its determination of the objections; and

Whereas, this Council deems the report proper in all respects; 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 report of the Assessment Equalization Board, appointed under Resolution No. 832-10, adopted June 7, 2010 is approved and placed in File No. 901-10-A.

Section 2. That the assessments as reported by the Board are directed to be filed in the Office of the Clerk of this Council.

Section 3. That it is determined to proceed to provide additional security for the Gordon Square Arts District - Cleveland Improvement District (the "District"), cleaning and maintenance of the public rights-of-way within the District, and collective economic development and marketing of the District (collectively, "District Services") in the District as established in Resolution No. 621-10, adopted May 17, 2010.

Section 4. That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and estimates previously approved and filed in the office of the Clerk of Council, in accordance with the estimates, as equalized.

Section 5. That all claims for damages resulting from the District Services that have been filed under law shall be judicially inquired into after completion of the District Services.

Section 6. That it is further determined that the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 7. That the list of assessments as reported by the Board, for the cost of the District Services as reported to this Council, placed in the filed mentioned above, and aggregating \$600,000 are adopted and confirmed as final assessments.

Section 8. That the several amounts of the final assessments are assessed and levied on the lots and lands benefited and to be charged therewith in the District in proportion to the benefits as described in the Resolution of Necessity.

Section 9. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 10. That the Clerk of Council is directed to continue to file in her office a list of the assessments and the description of the lots and lands.

Section 11. That the special assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the passage of this ordinance, or at the option of the owner in five (5) annual installments. All payments by cash or check shall be made to the Commissioner of Assessments and Licenses of the City. All special assessments remaining unpaid at the expiration of those thirty (30) days shall be certified by the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected the same as other taxes, as provided by law.

Section 12. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 13. That the Clerk of this Council is directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this ordinance.

Section 14. That the Clerk of Council is directed to cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City.

Section 15. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 16. That the Director of Economic Development is autho-

alized to enter into a contract with the Gordon Square Arts District - Cleveland Improvement District setting forth the terms under which the City will levy an assessment for the District and the use of the proceeds of the assessments levied herein.

Section 17. 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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 902-10.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 11905 Superior Avenue and known as Tops/Superior Lakeview to Forman Mills Real Estate LLC, or their designee, for purposes of redeveloping the old Tops Supermarket into a grocery store and a clothing and household goods store on the site; and to enter into a purchase agreement.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the property known as Tops/Superior Lakeview, located at 11905 Superior Avenue, is no longer needed for public use.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Economic Development is authorized to enter into a Purchase Agreement with the Redeveloper to authorize, among other things, a purchase money mortgage in the amount of \$500,000, which will be repaid by Redeveloper over a five-year period after closing. The

amount of \$200,000, which is due at closing, and payments received under the purchase money mortgage shall be deposited into Fund No. 17 SF 965, Economic Development Land Bank.

Section 5. That the Director of Economic Development is authorized to negotiate the termination of the present lease on the Property with First National Supermarkets, Inc., and/or its successors and assigns, terminate the lease, and deposit any funds received into Fund No. 17 SF 965.

Section 6. That the Director of Economic Development is authorized to enter into any agreements or sign any documents necessary to effectuate this transaction and all agreements and documents must be prepared and approved by the Director of Law.

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

Passed July 14, 2010.

Effective July 22, 2010.

Ord. No. 904-10.

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

An emergency ordinance to amend Sections 2, 6, 8, and 10 of Ordinance No. 1591-09, passed February 8, 2010; to supplement the ordinance by adding new Section 12; and to renumber existing Sections 12, 13, and 14 to new Sections 13, 14, and 15, relating to designing and making the public improvement of constructing various energy efficient improvements for the Department of Parks, Recreation and Properties, Public Health and Public Safety.

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

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

Section 1. That Sections 2, 6, 8, and 10 of Ordinance No. 1591-09, passed February 8, 2010, are amended to read as follows:

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing various energy efficiency improvements to the West Side Market, including upgrading the lighting and constructing a composting area, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing various non-lighting energy efficiency improvements to one police station and to various fire stations, including upgrading radiant heat retrofits in various firestation truck bays, and installing solar thermal hot water systems at various firestations, for the Department of Public Safety, by

one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 8. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing various energy efficiency improvements to City-owned and operated portions of the Justice Center, except for lighting upgrades, for the Department of Public Safety, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 10. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing various energy efficiency improvements to the various City health centers, except for lighting upgrades, for the Department of Public Health, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That existing Sections 2, 6, 8, and 10 of Ordinance No. 1591-09, passed February 8, 2010, are repealed.

Section 3. That Ordinance No. 1591-09, passed February 8, 2010, is supplemented by adding new Section 12 to read as follows:

Section 12. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of upgrading the lighting various City recreation centers, various police and fire stations, the City-owned and operated portions of the Justice Center, and various City health centers, for the Department of Parks, Recreation and Properties, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, and the other objectives of the Improvement. The selection of the persons, firms, or corporations to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Parks, Recreation and Properties after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 4. That existing Sections 12, 13, and 14 of Ordinance No. 1591-09, passed February 8, 2010, are renumbered to new "Section 13", "Section 14", and "Section 15".

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.

Passed July 14, 2010.
Effective July 22, 2010.

**Ord. No. 905-10.
By Council Members Cleveland, Brancatelli and Sweeney (by departmental request).**

An emergency ordinance to amend Section 2 of Ordinance No. 620-10, passed June 7, 2010, relating to one or more contracts with the Cleveland Rowing Foundation, to provide economic development assistance to partially finance the acquisition and renovation of property located at 1785 Merwin Avenue.

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

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

Section 1. That Section 2 of Ordinance No. 620-10, passed June 7, 2010, is amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 620-10-D, 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 2. That existing Section 2

of Ordinance No. 620-10, passed June 7, 2010, 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.

Passed July 14, 2010.
Effective July 22, 2010.

**Ord. No. 907-10.
By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to enter into one or more grant agreements with the Ohio City Near West Community Development Corporation to assist in the operations of the organization relating to the West Side Market Centennial and Market District.

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 grant agreements with the Ohio City Near West Community Development Corporation to assist in the operations

of the organization relating to the West Side Market Centennial and Market District.

Section 2. That the aggregate costs of the grants shall not exceed \$60,000 and shall be paid from Fund No. 17 SF 652, Request No. RQS 9501 RL 2010-146.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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.

Passed July 14, 2010.
Effective July 22, 2010.

**Ord. No. 908-10.
By Council Member Sweeney.**

An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 928-09, passed July 1, 2009, relating to fees for publications and services.

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 113.12 of the Codified Ordinances of the City of Cleveland, 1976, as amended by Ordinance No. 928-09, passed July 1, 2009, is hereby amended to read as follows:

Section 113.12 Fees for Publications and Services

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance parts reflecting certain code sections passed by Cleveland City Council complete through June 10, 2003, a new edition of the City Charter complete through December 31, 2008, and new editions of Parts I, V, and VI, complete through December 31, 2009:

Unit	Cost
Charter	\$ 6.02
Part I. Administrative Code	\$ 11.17
Part II. Health Code	\$ 17.04
Part IIIA. Land Use Code, Planning and Housing	\$ 14.94
Part IIIB. Zoning Code	\$ 10.40
Part IIIC. Land Use Code, Housing Code	\$ 14.25
Part IIID. Land Use Code, Fire Prevention Code	\$ 19.60
Part IIIE. Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 9.85
Part VI. Offenses and Business Activities Code	\$ 11.05
Complete Set	\$278.23

A complete set of the Codified Ordinances includes the Charter and all Parts, the General Index, User's Guide, tabbed dividers and binder.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the previous 12 months.

(c) The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from January 1, 2009 through December 31, 2009:

<u>Supplement Unit</u>	<u>Cost</u>
Part II.	\$ 21.00
Part IIIA	\$ 20.50
Part IIIB.	\$ 7.54
Part IIIC.	\$ 20.93
Part IIID.	\$ 21.02
Part IIIE.	\$ 7.37
Part IV.	\$ 7.48
Complete Bound Set	\$169.04

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with divisions (a) and (c) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

Section 2. That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 928-09, passed July 1, 2009, is hereby repealed.

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

Passed July 14, 2010.
Effective July 22, 2010

Ord. No. 909-10.
By Council Member Cimperman.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Augustine Church to stretch 13 banners on West 14th Street on both the east and west side of the street between Starkweather and Kenilworth Avenues and 2 banners to be hung on Father McNulty and Sister Corita Way (Howard Avenue) for the period from August 1, 2010 to August 31, 2010, inclusive, announcing the church's 150th Anniversary.

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

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

Section 1 That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to install, maintain and remove banners on West 14th Street on both the east and west side of the street between Starkweather and Kenilworth Avenues and on Father McNulty and Sister Corita Way (Howard Avenue) for the period from August 1, 2010 to August 31, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 910-10.
By Council Member Cimperman.
An emergency ordinance authorizing Chris Hodgson to engage in mobile peddling in Ward 3.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 3; 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 this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 3: Chris Hodgson.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 911-10.
By Council Member Conwell.
An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with Atar Treasure, LLC for the Hudlett Building Renovation Project through the use of Ward 9 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 Economic Development is authorized to enter into an agreement with Atar Treasure, LLC for the Hudlett Building Renovation Project located at 12401-03 Superior Avenue, Cleveland, Ohio for the public purpose of creating new job creation and economic development in the city of Cleveland through the use of Ward 9 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 912-10.

By Council Member Dow.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Fidelity Baptist Church to stretch banners between East 84th & East 86th and Wade Park for the period from July 12, 2010 to August 12, 2010, inclusive, publicizing their annual bazaar.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Fidelity Baptist Church to install, maintain and remove banners between East 84th and East 86th & Wade Park for the period from July 12, 2010 to August 21, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 913-10.

By Council Member Dow.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Lion of Judah Church to stretch a banner on Lexington Avenue between East 70th & East 66th Street for the period from June 18, 2010 to July 18, 2010, inclusive, publicizing "Focus on the Family."

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Lion of Judah Church to install, maintain and remove a banner on Lexington Avenue between East 70th and East 66th Street for the period from June 18, 2010 to July 18, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 914-10.

By Council Member Dow.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the New Day in Hough Committee to stretch banners at the southeast and northeast corners of East 79th & Hough Avenue for the period from July 13, 2010 to August 13, 2010, inclusive, publicizing the New Day in Hough.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the New Day in Hough Committee to install, maintain and remove banners at the southeast and northeast corners of East 79th & Hough Avenue for the period from July 13, 2010 to August 13, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial

advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 915-10.

By Council Member Dow.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Anita Lillard to engage in peddling at East 79th Street and Euclid Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of to engage in peddling to Anita Lillard outside of the Central Business District, and has determined that it is in the public interest to allow Anita Lillard peddle in Ward 7; 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 this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Anita Lillard engage in mobile peddling in the public rights of way of Ward 7 at Church Square, East 79th Street and Euclid Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 916-10.

By Council Member Dow.

An emergency ordinance consenting and approving the issuance of a permit for the New Day in Hough 2K Run/Walk/Bicycle and Parade, on August 7, 2010, sponsored by the New Day in Hough Committee.

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 New Day in Hough 2K Run/Walk/Bicycle and Parade on August 7, 2010, assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to E. 55th to Hough, and turn around back to Thurgood Marshall, and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall, west on Hough Avenue, northbound on E. 79th, continue northwest on Addison to Superior, East on Superior to 79th, south on E. 79th to Hough, east on Hough Avenue back to Thurgood Marshall, 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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 917-10.

By Council Member J. Johnson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Doan Brook Watershed Partnership to stretch banners on East 105th Street and Mt. Sinai Drive and East 88th Street on/off ramp and MLK Drive for the period from July 14, 2010 to August 9, 2010, inclusive, publicizing the Fishing Derby.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Doan Brook Watershed Partnership to install, maintain and remove banners on East 105th Street & Mt. Sinai Drive and East 88th Street on/off ramp and MLK Drive, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No

commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Motion to suspend rules, Charter, aPassed July 14, 2010.

Effective July 22, 2010.

Ord. No. 918-10.

By Council Member J. Johnson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Glenville Festival Committee to stretch banners on East 105rd & Superior; East 88th Street and St. Clair Avenue; East 103rd & St. Clair Avenue; East 88th Street on/off ramp and MLK Drive for the period from July 14, 2010 to August 16, 2010, inclusive, to celebrate the annual Glenville Heritage Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Glenville Festival Committee to install, maintain and remove banners on East 105th & Superior; East 88th Street & St. Clair Avenue; East 103rd & St. Clair Avenue; East 88th Street on/off ramp & MLK Drive, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 919-10.

By Council Member Polensek.

An emergency ordinance authorizing the Director of the Department of Community Development to enter

into an agreement with the Nottingham Youth Center for the Summer Camp Program through the use of Ward 11 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 is authorized to enter into an agreement with the Nottingham Youth Center for the Summer Camp Program for the public purpose of providing summer educational and recreational activities for City of Cleveland youth through the use of Ward 11 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,178 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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 920-10.

By Council Member Pruitt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Harvard Community Service Center to stretch banners at Lee Road & Harvard Avenue, Pole No. E12-32-2, East 189th & Harvard, Pole No. E12-67, for the period from August 3, 2010 to August 30, 2010, inclusive, publicizing Ward #1 Community Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to install, maintain and remove banners at Lee Road & Harvard Avenue, Pole No. E12-32-2, East 189th & Harvard, Pole No. E12-67, period from August 3, 2010 to August 30, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner

and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 921-10.

By Council Member Pruitt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Department of Community Relations to stretch a banner at Lee Road & Harvard Avenue, Pole No. E12-32-2, for the period from July 14, 2010 to August 3, 2010, inclusive, publicizing Mayor Jackson's Annual Night Out Against Crime.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to install, maintain and remove a banner at Lee Road & Harvard Avenue, Pole No. E12-32-2, period from July 14, 2010 to August 3, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 922-10.

By Council Member Cleveland.

An emergency ordinance authorizing Cherelle James to engage in mobile peddling in Ward 5.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prereq-

uisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; 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 this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Cherelle James

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 923-10.

By Council Member Westbrook.

An emergency ordinance authorizing Laura Duncan to engage in mobile peddling in Ward 16.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 16; 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 this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 16: Laura Duncan.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 924-10.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Detroit Shoreway Community Development Organization to stretch a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard, for the period from July 15, 2010 to August 15, 2010, inclusive, publicizing the Gordon Square Farmers' Market.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from July 15, 2010 to August 15, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.

Effective July 22, 2010.

Ord. No. 925-10.

By Council Member Zone.

An emergency ordinance authorizing the Clerk of Council to dispense beer and wine at the Italian American Heritage Committee event in Cleveland City Hall on October 4, 2010.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the Clerk of Council is hereby authorized to dispense beer and wine at the Italian American Heritage Committee event in Cleveland City Hall on October 4, 2010.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 926-10.

By Council Member Zone.

An emergency ordinance authorizing Chris Hodgson to engage in mobile peddling in Ward 15.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 15; 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 this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 15: Chris Hodgson.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 927-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Blue Technologies, Inc. for the professional services necessary to provide certain additional work to better integrate the Legislative Management System 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 Blue Technologies, Inc. for the professional services necessary to provide certain additional work to better integrate the Legislative Management System (LMS) for Cleveland City Council, including: making data transfer to Daily Legal News more efficient; modifying the LMS workflow system for more efficient operation of Council legislative process; and ongoing maintenance of the LMS and general consulting as necessary.

The total cost of the services provided by the agreement authorized herein shall not exceed \$10,800. Payment shall be made from fund 01 and/or 11, sub fund 001 and/or 006, account 6320.

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

Passed July 14, 2010.
Effective July 22, 2010.

Ord. No. 928-10.

By Council Member Cleveland.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2228 East 73rd Street to Burten, Bell, Carr Development Corporation.

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

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

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Burten, Bell, Carr Development Corporation.

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

P. P. No. 118-24-124

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And Known as being Sublot No. 95 in Harriet C. Sterling's Re-Subdivision of Block "A" of M.B.

Sterling's Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat of said Re-Subdivision in Volume 5 of Maps, Page 60 of Cuyahoga County Records. Said Sublot No. 95 has a frontage of 40 feet on the Western side of East 73rd Street (formerly Brenton Street) and extends back between parallel lines 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed July 14, 2010.
Effective July 22, 2010.

Ord. No. 929-10.

By Council Member Reed.

An emergency ordinance authorizing and Directing the Director of Public Service to issue a permit to the Union Miles Development Corporation to stretch banners across East 116th Street north of Clarebird Avenue and across Miles Avenue at East 111th Street, for the period from July 1, 2010 through August 16, 2010, inclusive publicizing "Union Miles Community Expo".

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Union Miles Development Corporation to install, maintain and remove banners East 116th Street north of Clarebird

Avenue and across Miles Avenue at East 11th Street, for the period from July 1, 2010 through August 16, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 930-10.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Union Miles Development Corporation to affix vertical banners around Miles Park Avenue, for the period from July 1, 2010 through August 16, 2010, inclusive publicizing "Union Miles Community Expo."

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Union Miles Development Corporation to install, maintain and remove vertical banners around Miles Park Avenue, for the period from July 1, 2010 through August 16, 2010, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 931-10.

By Council Member Dow.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Darrell Manning to engage in peddling at 7210 Superior Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of to engage in peddling to Darrell Manning outside of the Central Business District, and has determined that it is in the public interest to allow Darrell Manning peddle in Ward 7 at 7210 Superior Avenue; 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 this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Darrell Manning engage in mobile peddling in the public rights of way of Ward 7 at 7210 Superior Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 932-10.

By Council Member Dow.

An emergency ordinance authorizing Cherelle James to engage in mobile peddling in Ward 7.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 7; 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 this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 7: Cherelle James.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.
Effective July 22, 2010.

Ord. No. 935-10.

By Council Member Cummins.

An emergency ordinance authorizing Chris Hodgson to engage in mobile peddling in Ward 14.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; 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 this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 14: Chris Hodgson.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 July 14, 2010.
Effective July 22, 2010.

**Ord. No. 936-10.
By Council Members Sweeney,
Pruitt and Conwell.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the African American Music Association, Inc. for the Basketball Education and Recreation Program through the use of Wards 18, 1 and 9 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 Parks, Recreation and Properties is authorized to enter into an agreement with the African American Music Association, Inc. for the Basketball Education and Recreation Program for the public purpose of providing educational and recreational activities for city of Cleveland youth through the use of Wards 18, 1 and 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 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 July 14, 2010.
Effective July 22, 2010.

**Ord. No. 937-10.
By Council Member Zone.
An emergency ordinance determining the method of making a public improvement for the design, construction, installation, and maintenance of a fence along the right-of-way at the Cleveland Public Theatre Parish Hall, and authorizing the Director of Parks, Recreation and Properties to enter into one or more public improvement contracts for the making of the public improvement and authorizing the Commissioner of Purchases and Supplies to acquire a permanent exclusive easement from Cleveland Public Theatre, Inc., for the design, construction, installation and maintenance of a permanent fence along the right-of-way at the Cleveland Public Theatre Parish Hall, for the Department of Parks, Recreation and Properties.**

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

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

Section 1. That under Section 167 of the Charter of the City of Cleveland, this Council determines to

make the public improvement for the design, construction, installation, and maintenance of a permanent fence along the right-of-way at the Cleveland Public Theatre Parish Hall 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 Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire permanent exclusive easement rights from the Board of Trustees of Cleveland Public Theatre, Inc. for the design, construction, installation, and maintenance of a permanent fence along the right-of-way at the Cleveland Public Theatre Parish Hall in and to the premises more particularly described as follows:

**Legal Description of a
Fence Easement**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Consolidated Parcel 2 of the Lot Split and Consolidation of part of Original Brooklyn Township Lot No. 32 as shown by the recorded plat in Volume 360 of Maps, Page 89 conveyed to the Cleveland Public Theatre, Inc. in A.F.N. 200912220223 of Cuyahoga County Records and further described as follows:

Being the northerly 1 foot strip of said Consolidated Parcel 2 beginning at the northwest corner extending easterly to the northeast corner, said strip being adjacent to and parallel with the southerly line of Detroit Avenue N.W. (66 feet wide).

Section 4. That the cost of the acquisition of the easement rights shall be One Dollar and other valuable consideration which is determined to be fair market value.

Section 5. That the Director of Parks, Recreation and Properties is authorized to execute all documents on behalf of the city of Cleveland necessary to acquire certain rights in and to the premises and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 6. That the cost of the improvement, the easement, appraisal, title, escrow, and all other costs incurred in acquiring the easement interests shall not exceed \$44,140 and shall be paid from Fund Nos. 10 SF 166 of the Ward 15 Neighborhood Equity Fund.

Section 7. 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 July 14, 2010.
Effective July 27, 2010.

**Ord. No. 966-10.
By Council Member Mitchell.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Britton/East 127th Block Club to stretch banners on East 127th Street west side, 2nd pole S. of Fairhill; 3rd pole S. of Fairhill, 5th pole S. of Britton, 7th pole S. of Britton, 1st pole S. of Mt. Overlook, 1st pole N. of Larchmere; East 127th E. side, 1st pole S. of Britton, 3rd pole S. of Britton, 6th pole S. of Britton, 2nd pole N. of Larchmere, Britton Dr. N. side, 2nd pole W. of 127th, 4th pole W. of East 127th; Britton Dr. S. side, 1st pole W. of 127th, and 2nd pole W. of 124th, for the period from July 15, 2010, to August 15, 2010, inclusive, recognizing the unity of the neighborhood.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Britton/East 127th St. Block Club to install, maintain and remove banners on Britton/East 127th Block Club to stretch banners on East 127th Street west side, 2nd pole S. of Fairhill; 3rd pole S. of Fairhill, 5th pole S. of Britton, 7th pole S. of Britton, 1st pole N. of Mt. Overlook, 1st pole N. of Larchmere; East 127th E. side, 1st pole S. of Britton, 3rd pole S. of Britton, 6th pole S. of Britton, 2nd pole N. of Larchmere, Britton Dr. N. side, 2nd pole W. of 127th, 4th pole W. of East 127th; Britton Dr. S. side, 1st pole W. of 127th, and 2nd pole W. of 124th, for the period from July 15, 2010 to August 15, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 July 14, 2010.
Effective July 22, 2010

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