

# The City Record

Official Publication of the Council of the City of Cleveland



March the Tenth, Two Thousand and Ten

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker, Interim Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106  
\_\_\_\_\_, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit  
DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19  
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
City Treasury – \_\_\_\_\_, Treasurer, Room 115  
Financial Reporting and Control – James Gentile, Controller, Room 18  
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue  
Purchases and Supplies – James E. Hardy, Commissioner, Room 128  
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue  
Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – John Christopher Nielson, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director

Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – \_\_\_\_\_, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
Streets – Randell T. Scott, Commissioner, Room 25  
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza  
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, MARCH 10, 2010

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## CITY COUNCIL

MONDAY, MARCH 8, 2010

### The City Record

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Address all communications to

**PATRICIA J. BRITT**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, March 8, 2010

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

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

Also present were Mayor Frank J. Jackson; Darnell Brown, Chief Operating Officer; Andrea V. Taylor, Press Secretary; Andrew Watterson, Chief of Sustainability; and Directors Triozzi, Dumas, Withers, Smith, Carroll, Cox, Rush, Rybka, Nichols, Fumich, Interim Directors Walker Minor, Mahone, West, Acting Director Munday Workman and Theresa Stevenson, Legislative Affairs.

Moment of Silence. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATION

##### File No. 315-10.

From New Circle Vistas Maximum Accessible Housing of Ohio — notification of residential rental devel-

opment at 11607 Euclid Avenue utilizing Ohio Housing Finance Agency (OHFA) funding. Received.

#### STATEMENT OF FINAL ACCEPTANCE

##### File No. 316-10.

From Director of Public Service — Contract No. 68718, with Dodson & Associates, for Cory Recreation Center Flooring & Dewatering Project. Received.

##### File No. 317-10.

From Director of Public Service — Contract No. 69616, with Messina Floor Covering, LLC, for Fusion Center Carpeting (Justice Center). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 318-10**—Louis D. Solomon, Jr.

**Res. No. 319-10**—Jimmie Britt.

**Res. No. 320-10**—Velma R. Farmer.

**Res. No. 321-10**—Otis Paul Drayton.

**Res. No. 322-10**—William O'Leary.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 323-10**—Leah Adams.

**Res. No. 324-10**—Lovell John Custard.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

##### Ord. No. 302-10.

**By Council Members Keane and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Port Control to exercise an option to renew Contract No. 67820 with RW Armstrong, Inc. to provide general engineering design services, for the Department of Port Control.**

Whereas, under the authority of Ordinance No. 186-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 67820 with RW Armstrong, Inc. to provide general engineering design services for the Department of Port Control; and

Whereas, Ordinance No. 186-07 requires further legislation before exercising the option to renew on this contract; and

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

a municipal department; now, therefore,

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

**Section 1.** That the Director of Port Control is authorized to exercise the option to renew Contract No. 67820 for an additional year at a cost not to exceed \$94,019.55, with RW Armstrong, Inc. for general engineering design services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 to exercise this option.

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

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

**Ord. No. 303-10.**

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

**An emergency ordinance giving consent of the City of Cleveland to the State of Ohio for the removal and replacement of the Madison Avenue Bridge and the rehabilitation of the West 61st Street Bridge; authorizing the Director of Public Service to enter into any relative agreements.**

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

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

**Section 1.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: remove and replace the Madison Avenue Bridge over the Norfolk Southern Railroad Company and the Greater Cleveland Regional Transit Authority ("GCRTA") railroads with a pedestrian bridge and rehabilitate the West 61st Street Bridge over the Norfolk Southern Railroad Company and the GCRTA railroads lying within the City of Cleveland (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, including preliminary engineering and environmental documentation, and right-of-way acquisition, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City,

which are determined by the State not to be eligible or made necessary by the Improvement.

**Section 3.** That the Director of Public Service is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4.** (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the Director of Public Service will arrange for its acquisition.

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

(d) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the State.

(e) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 5.** That upon completion of the Improvement, and unless otherwise agreed, the City shall:

(a) provide adequate maintenance of the Improvement under all applicable state and federal laws, including, but not limited to, 213 USC 116;

(b) provide ample financial provisions, as necessary, for the maintenance of the Improvement;

(c) maintain the right-of-way keeping it free of obstructions;

(d) hold the right-of-way inviolate for public highway purposes; and

(e) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 6.** That this Council requests the State to proceed with the Improvement.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to

ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to the State and to assist the State in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

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

**Ord. No. 304-10.**

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

**An emergency ordinance to amend Section 7 of Ordinance No. 657-09, passed June 8, 2009, relating to an amendment to Contract No. 53362 with Euthenics, Inc. to provide additional design services relating to the West 74th Street Bridge rehabilitation project, and to obtain right-of-ways and easements and to authorize contracts to implement the improvement.**

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

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

**Section 1.** That Section 7 of Ordinance No. 657-09, passed June 8, 2009 is amended to read as follows:

Section 7. That the costs of the contract amendment, property acquisition, and other payments authorized shall be paid from Fund Nos. 54 SF 001, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, and 20 SF 528, Request No. 188486.

**Section 2.** That existing Section 7 of Ordinance No. 657-09, passed June 8, 2009 is repealed.

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

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

**Ord. No. 305-10.**  
**By Council Members Conwell, Mitchell and Sweeney (by departmental request).**

**An emergency ordinance to amend Sections 135.16, 135.17, 135.18, 135.180, 603.02, 603A.04 and 604.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, changing the name of the Division of Dog Pound to the Division of Animal Control 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 the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 135.16, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 135.17, 135.18, and 135.180, as amended by Ordinance No. 1871-06, passed December 11, 2006,

Section 603.02, as amended by Ordinance No. 957-99, passed August 11, 1999,

Section 604A.03, as enacted by Ordinance No. 536-01, passed June 3, 2002, and

Section 604.99, as amended by Ordinance No. 957-99, passed August 11, 1999

are amended to read as follows:

**Section 135.16 Division of Animal Control Services; Dog Warden; Spay and Neuter Clinic; Fee**

(a) There is established in the Department of Public Safety, a Division of **Animal Control Services**, which shall consist of one Chief Dog Warden and at least one dog warden permanently assigned to each of the **five** police districts on a full-time basis, and other dog wardens as the Director of Public Safety deems necessary. All of these employees shall be uniformed employees under the control and management of the Director, who shall designate the kind of uniform to be worn and direct the operation of the Chief and other dog wardens.

(b) The Chief Dog Warden and all other dog wardens are authorized to give notice and issue citations to anyone found to be in violation of Section 603.02 or Section 603.04.

(c) There is established in the Department of Public Safety, Division of **Animal Control Services**, a Spay and Neuter Clinic, to be administered and controlled by a Veterinarian in Charge, subject to the direction of the Director of Public Safety. City residents may neuter or spay dogs or cats for the following fees:

- (1) Cat neuter \$ 25.00
- (2) Cat spay \$ 30.00
- (3) Dog neuter \$ 35.00
- (4) Dog spay \$ 40.00

All fees shall be paid to the City of Cleveland at the time the neuter or spay operation is performed.

**Section 135.17 Acceptance of Gifts and Services for the Division of Animal Control Services**

The Director of Public Safety is authorized to accept, with the grateful appreciation of the City, the

funds, other personal properties, and services, unconditionally given or limited by conditions as the donor may impose, or unlimited as to specific use, as may from time to time be donated for the use and benefit of the Division of **Animal Control Services**.

**Section 135.18 Special Revenue Fund Established for the Division of Animal Control Services**

All moneys accepted under Section 135.17 shall be placed to the credit of the Division of **Animal Control Services** in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Division of **Animal Control Services** at the discretion of the Director of Public Safety, or in the manner and for the specific purpose named in the gift.

**Section 135.180 Expenditure of Donated Funds for the Division of Animal Control Services**

Expenditures from accounts shall be made on vouchers signed by the Director of Public Safety, or his designee, when the amount is less than ten thousand dollars (\$10,000); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108. No part of any funds credited to the accounts shall be paid to or for the benefit of any officer or employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Division of **Animal Control Services** or in any manner other than that applicable to the expenditure of other public funds, unless the payment is specifically provided for in the terms of the gift or authorized by resolution or ordinance of Council.

**Section 603.02 Unmuzzled Dogs at Large; Duty to Report**

(a) No person shall permit an unmuzzled dog at any time to be on a public street, highway, park, building or other public place except when held securely in leash by the owner or another responsible person except when the dog is legally engaged in training for the purpose of hunting, herding, agility or dog competition events, accompanied by the owner, keeper, harborer, or a handler.

(b) Every City employee, while in the performance of his official duties, who has in his possession or under his control any radio transmitter and receiver, telephone or other device ordinarily used for two-way communication, shall immediately report to police officers or dog wardens of the City the sighting of any unmuzzled dogs found to be in a public place in violation of this section. The employee shall report the time, place, date and description of the dog, together with the employee's name.

(c) If a violation of division (a) of this section involves a dangerous or vicious dog as defined in division (b) or (k) of Section 604.01, the dog shall be impounded **under** Section 603.02. Impoundment of a dangerous or vicious dog because it was found to be in violation of this section

shall not exempt the owner of the dog from being prosecuted under Section 604.99.

(d) Whoever violates this section is guilty of permitting unmuzzled dogs at large, and shall be fined not less than one hundred dollars (\$100.00) on the first offense, and on each subsequent offense shall be fined not less than one hundred fifty dollars (\$150.00) or more than two hundred fifty dollars (\$250.00), which fine shall be mandatory, and shall not be suspended or remitted.

(e) An amount equal to the amount of fines and penalties imposed **under** this section shall annually be contributed to and used for the benefit of the Division of **Animal Control Services**.

**Section 603A.04 Exemptions**

Except for Sections 603A.14, 603A.15, 603A.16 and 603A.17, the provisions of which shall apply to all persons, this chapter shall not apply to any of the following:

(a) A person who keeps an exotic animal **under** a permit issued by the United States or the State of Ohio.

(b) A person whose duties include the keeping or handling of exotic animals, while the person is engaged in that duty, and who is employed by any of the following:

(1) The Division of **Animal Control Services**, Department of Public Safety, City of Cleveland.

(2) The County kennels.

(3) The Cleveland Metroparks Zoo.

(4) The Animal Protective League.

(5) A licensed veterinary hospital or clinic.

(6) A licensed or accredited research or medical institution.

(7) A facility licensed as an exhibitor or breeder by the United States Department of Agriculture under the Animal Welfare Act.

(8) A licensed or accredited educational institution, including museums.

(c) A person licensed as a wildlife rehabilitator **under** OHIO ADMIN. CODE § 1501:31-25-03.

(d) A person temporarily transporting an exotic animal through the City if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

A person who holds a license under OHIO REV. CODE ANN. § 1533.08 and corresponding regulations.

**Section 604.99 Penalties**

(a) If a violation of division (a), (b) or (c) of Section 604.03 involved a dangerous dog, whoever violates that Section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense and shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. Additionally, the Court may order the offender: (i) to personally supervise the dangerous dog that he owns, keeps or harbors, (ii) to cause that dog to complete dog obedience training, (iii) to attend a class on responsible pet ownership and dog behavior, or (iv) to do all three. The

Court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society. For repeat offenders of animal control laws under Sections 603.02 and 603.04, the Court may require the owner to attend a class on responsible pet ownership and dog behavior.

(b) If a violation of division (a), (b) or (c) of Section 604.03 involved a vicious dog, whoever violates that section may be found guilty of a misdemeanor of the first degree on a first offense. When any person is found guilty of a misdemeanor of the first degree such person shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. The Court may order the dog to be spayed or neutered at the owner's, keeper's or harbinger's expense. Additionally, the Court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(c) Any owner who does not obtain the liability insurance coverage required under divisions (a) or (b) of Section 604.04 shall be found guilty of a misdemeanor of the first degree.

(d) Any owner that is found to be in violation of division (d) of Section 604.03 shall be found guilty of a misdemeanor of the first degree.

(e) Any owner that is found to be in violation of division (d) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(f) Any owner that is found to be in violation of division (h) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(g) Any owner found to own, keep, or harbor a dog wearing a fictitious, altered, or invalid exemption tag shall be found guilty of a misdemeanor of the first degree.

(h) Any exempted dog conforming to division (k)(3) of Section 604.01 that is found to be in violation of divisions (k)(1) or (k)(2) of Section 604.01 shall forfeit its exemption status permanently.

(i) Any owner who is found guilty of violating divisions (c) or (d) of Section 604.04 shall be found guilty of a misdemeanor of the first degree and shall be fined one hundred dollars (\$100.00) on each subsequent offense which fine shall be mandatory and shall not be suspended or remitted.

(j) Any owner found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of the vicious or dangerous dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(k) An amount equal to the amount of fines and penalties imposed pursuant to this section shall annually be contributed to and used for the benefit of the Division of **Animal Control Services**.

(l) This Section shall not apply whenever the conduct proscribed in this chapter constitutes a felony under RC 955.99.

**Section 2.** That the existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 135.16, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 135.17, 135.18, and 135.180, as amended by Ordinance No. 1871-06, passed December 11, 2006,

Section 603.02, as amended by Ordinance No. 957-99, passed August 11, 1999,

Section 604A.03, as enacted by Ordinance No. 536-01, passed June 3, 2002, and

Section 604.99, as amended by Ordinance No. 957-99, passed August 11, 1999 are repealed.

**Section 3.** That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Division of Dog Pound, shall be amended to read the Division of Animal Control Services, consistent with this ordinance.

**Section 4.** That the Clerk of Council is authorized, when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and any amendments, to change all references to the Division of Dog Pound to read the division of Animal Control Services.

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

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

**Ord. No. 306-10.**

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

**An emergency ordinance to amend the title and Sections 1 and 4 of Ordinance No. 808-09, passed June 8, 2009, relating to constructing a bike station in Gateway North Garage to include constructing other improvements at both Gateway Garages.**

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

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

**Section 1.** That the title and Sections 1 and 4 of Ordinance No. 808-09, passed June 8, 2009, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of constructing a bike station in Gateway North Garage and constructing other improvements to the Gateway North and Gateway East Garages; authorizing the Director of Parks, Recreation and Properties to enter into one or more public improvement contracts to construct the improvement and employ one or more professional consultants necessary to design the improvement; authorizing the Director to enter into a Lease By Way of Concession for the operation of the bike station with Downtown

Cleveland Alliance, for a period of one year, with two three-year options to renew, and authorizing the Director to enter into any other agreements necessary to complete the Improvement.

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a bike station in Gateway North Garage and constructing other improvements to the Gateway North and Gateway East Garages (the "Improvement"), 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 4.** That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

**Section 2.** That the existing title and Sections 1 and 4 of Ordinance No. 808-09, passed June 8, 2009, are repealed.

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

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

**Ord. No. 307-10.**

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

**An emergency ordinance to amend Section 2 of Ordinance No. 915-09, passed July 1, 2009, relating to contract with Miles Shopping Plaza LLC to provide economic development assistance to partially finance the construction of a new retail center located at Miles Avenue and East 131st Street.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That Section 2 of Ordinance No. 915-09, passed July 1, 2009, 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. **915-09-B**, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 2.** That existing Section 2 of Ordinance No. 915-09, passed July 1, 2009, is repealed.

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

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

**Ord. No. 308-10.**

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

**An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more professional services necessary to provide group medical, prescription, and dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for a period of one year.**

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

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

**Section 1.** That the Director of Personnel and Human Resources is authorized to enter into one or more contracts in order to provide professional services necessary to provide group medical, prescription, and dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for a period of one year.

The selection of the carriers shall be made by the Board of Control on the nomination of the Director of Personnel and Human Resources from a list of qualified carriers as may be determined after a full and complete canvass by the Director of Personnel and Human Resources for the purpose of compiling a list. The cost to be paid for the contracts shall be fixed by the Board of Control. The contract or contracts autho-

rized shall be prepared by the Director of Law, approved by the Director of Personnel and Human Resources, and certified by the Director of Finance.

**Section 2.** That the contracts shall be prepared by the Director of Law and shall contain any conditions and provisions that the Director deems necessary to protect and benefit the public interest including terms related to which insurance coverage will cover employees consistent with the terms of the collective bargaining agreements ratified by the City, and the terms and conditions for transferring employees from one plan to another as collective bargaining agreements are ratified by the City.

**Section 3.** That the cost of the contract or contracts authorized shall be paid from funds appropriated in budget year 2010 for this purpose, Request No. RQN 0402 RL 2010-9.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 310-10.**

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

**An emergency ordinance to amend the title and Section 5 of Ordinance No. 852-09, passed July 1, 2009, relating to the Lake-to-Lakes Bike Trail Project; and to supplement the ordinance by adding new Sections 4a., 4b., 4c., 4d., 4e., and 4f.**

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

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

**Section 1.** That the title and Section 5 of Ordinance No. 852-09, passed July 1, 2009, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of constructing the Lake-to-Lakes Bike Trail; authorizing the Director of Public Service to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; **authorizing the director to apply for and accept grants from public and private entities for the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; and authorizing contracts with railroads, the Greater Cleveland Regional Transit Authority, or other entities; and authorizing the Commissioner of Purchases and Supplies to**

**acquire for right-of-way purposes any real property and easements necessary to make the improvement.**

Section 5. That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from Fund No. 20 SF 526, from the fund or funds which are credited any grant proceeds and cash contributions accepted and appropriated under this ordinance, and from the fund or funds which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009, and are appropriated for this purpose, Request No. 188499.

**Section 2.** That the existing title and Section 5 of Ordinance No. 852-09, passed July 1, 2009, are repealed.

**Section 3.** That Ordinance No. 852-09, passed July 1, 2009, is supplemented by adding new Sections 4a., 4b., 4c., 4d., 4e., and 4f. to read as follows:

**Section 4a.** That the Director of Public Service is authorized to apply for and accept grants from public and private entities for the purpose of funding the improvement authorized in this ordinance. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under these grants; and that the funds are appropriated for the purposes described in this ordinance.

**Section 4b.** That the Director of Public Service is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the improvement. That the Director of Public Service is authorized to enter into agreements with the entities for this purpose.

**Section 4c.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes any real property and easements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value.

**Section 4d.** That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

**Section 4e.** That, when appropriate, the Director of Public Service is authorized to enter into one or more contracts with the railroads, the Greater Cleveland Regional Transit Authority, or other entity to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

**Section 4f.** That the Director of Public Service, when necessary, is authorized to cause payment to any railroad, the Greater Cleveland Regional Transit Authority, or other entity for payment of any services

which were necessary to construct the improvements described in 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.

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

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

**Ord. No. 309-10.**

**By Council Member Cleveland.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cuyahoga Metropolitan Housing Authority.**

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

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

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

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

**Section 1.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cuyahoga Metropolitan Housing Authority.

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

P. P. No. 125-18-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 8 4/12 feet of Sublot No. 6 and the Northerly 26 6/12 feet of Sublot No. 7 in John Rock's Subdivision of part of Original One Hundred Acre Lot Nos. 327 and 330 as shown by the recorded plat in Volume 8 of Maps, Page 3 of Cuyahoga County Records. Said parts of Sublot Nos. 6 and 7 together form a parcel of land having a frontage of 35 feet on the Westerly side of East 75th Street (formerly Herald Street) and extending back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cuyahoga Metropolitan Housing Authority.

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

P. P. No. 125-18-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of Sublot No. 49 in John Rock's Subdivision of part of Original One Hundred Acre Lot Nos. 327 and 330, as shown by the recorded plat in Volume 8 of Maps, Page 3 of Cuyahoga County Re, and being 30 feet front on the Easterly side of East 73rd Street, (formerly Dickerman Street), and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highway.

Also subject to zoning ordinances, if any.

**Section 5.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cuyahoga Metropolitan Housing Authority.

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

P. P. No. 125-18-025

Situated in the City of Cleveland County of Cuyahoga and State, of Ohio: And known as being Sublot No. 50 in the John Rock and James Parker's Subdivision of part of Original One Hundred Acre Lot No. 326, as shown by the recorded plat in Volume 8 of Maps, Page 17 of Cuyahoga County Records, and being, 40 feet front on the Westerly side of East 71st Street (formerly "B" Street) and extending back of equal width 125 feet to an alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 7.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cuyahoga Metropolitan Housing Authority.

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

P. P. No. 125-18-031

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being Sublot No. 70 in John Rock and James Parker's Subdivision of part of Original 100 Acre Lot No. 326, as per plat of said Subdivision recorded in Volume 8 of Maps, Page 17 of Cuyahoga County Records. Said Sublot No. 70 has a frontage of 40 feet on the Northerly side of Roy Avenue, S.E.

and extends back between parallel lines 125 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 9.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cuyahoga Metropolitan Housing Authority.

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

P. P. No. 125-18-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 54 and part of Sublot No. 55 in John Rock and James Parker's Allotment of part of Original One Hundred Acre Lot No. 326, as shown by the recorded plat in Volume 8 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Southerly line of Roy Avenue, S.E., (40 feet wide) distant Easterly (measured along said Southerly line of Roy Avenue, S.E.), 31.50 feet from the Northwesterly corner of said Sublot No. 55; thence Easterly along said Southerly line of Roy Avenue, S.E., 50.50 feet to its intersection with the Westerly line of East 71st Place (10 feet wide); thence Southerly along said Westerly line of East 71st Place 147.23 feet to the Southeasterly corner of said Sublot No. 54; thence Westerly along the Southerly line of said Sublots Nos. 54 and 55, 84.72 feet to the Southwesterly corner of said Sublot No. 55; thence Northerly along the Westerly line of said Sublot No. 55, 67.98 feet to a point distant Southerly (measured along said Westerly line of Sublot No. 55), 82.50 feet from the Northwesterly corner there of; thence Easterly along a line at right angles to said Westerly line of Sublot No. 55, 8.00 feet; thence Northeasterly in a direct line 36.94 feet to a point distant Easterly at right angles to said Westerly line of said Sublot No. 55, 31.50 feet; thence Northerly along a line parallel with the Westerly line of said Sublot No. 54, 54.00 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 11.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cuyahoga Metropolitan Housing Authority.

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

P. P. No. 125-19-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 34 in Whiting and Burt's Allotment of part of Original One Hundred Acre Lot No. 327, as shown by the recorded plat in Volume 5 of Maps, Page 6 of Cuyahoga County Records, and being 40



feet front on the Westerly side of East 77th Street, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to Restrictions, terms, and conditions contained in the "University-Euclid General Neighborhood Renewal Plan, Ohio R-32" and the "University-Euclid Urban Renewal Project 1, Ohio R-44" as approved and set forth in Ordinance No. 1338-61, passed by the Council of the City of Cleveland, June 12, 1961, and recorded in Miscellaneous Volume 111, Page 9, and in Miscellaneous Volume 111, Page 43, of Cuyahoga County Records, on April 6, 1965, at 1:24 P M and 1:25 P M, respectively. The next preceding recorded instrument by or through which title is claimed is in Volume 8215, Page 67 of Cuyahoga County Records.

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

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

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

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

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

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

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

**Res. No. 311-10.**

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

**An emergency resolution supporting the passage of State Issue 1 on May 4, 2010 to continue the Ohio Third Frontier program.**

Whereas, the Third Frontier initiative was created to preserve and create jobs, enhance educational opportunities, and improve the quality of life and general well-being of people and businesses throughout Ohio by expanding Ohio's research capabilities to promote product innovation, development and commercialization to create jobs; and

Whereas, the Third Frontier program has laid the foundation for the creation and growth of technology-based jobs and businesses, increased early stage capital investments, improved the environment for technology entrepreneurs, increased collaboration in research and development, and enhanced our economic competitiveness and diversity; and

Whereas, the Third Frontier program has already created more than 48,000 jobs; and

Whereas, the State of Ohio's Third Frontier initiative has delivered measurable results by investing \$681 million since 2002, which has yielded \$6.6 billion in economic activity; and

Whereas, Issue 1 will continue to foster job creation through the advancement of new products and services based on science and technology research and development, thus ensuring Ohio's ability to create and compete for jobs, today and in the future; and

Whereas, the Ohio General Assembly deserves much appreciation for its strong bipartisan support of the Third Frontier program and its placement of the constitutional amendment on the ballot; and

Whereas, the Ohio Third Frontier Initiative is a grants program, supported by State of Ohio bonds, that will support technology-based businesses and research efforts; focusing on the State's strengths in technology and innovation to create high-wage jobs, new growth companies, and globally competitive products; and

Whereas, the City of Cleveland is accordingly pleased to support the Ohio Third Frontier Initiative program, and State Issue 1, because the program funds Ohio's most promising technologies.

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

**Section 1.** That this Council and Mayor Frank G. Jackson supports and endorses the passage of State Issue 1 on May 4, 2010, in order to improve the quality of life for all Ohioans by continuation of the Ohio Third Frontier Program.

**Section 2.** That the Clerk shall transmit certified copies of this Resolution to the governor, the Ohio General Assembly and other interested constituencies.

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

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

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

**Res. No. 312-10.**

**By Council Members Cimperman, Sweeney and Pruitt.**

**An emergency resolution recognizing the far-reaching importance of the Health and Human Service levy renewal, and supporting its passage on Tuesday, May 4, 2010.**

Whereas, the renewal of the Cuyahoga County Health and Human Services 2.9 mill levy will ensure that children, seniors, and families continue to receive critical services; and

Whereas, revenues generated by the Health and Human Services levy support:

- Critical emergency services, such as the region's only Level One Trauma and Burn Center at Metro-Health, Metro Life Flight, and the Neonatal Intensive Care Unit;
- Services to protect children who are at risk of abuse and neglect and early childhood;
- Services that help senior citizens to continue to live independently, in their own homes; and
- Early childhood programs that ensure that all children enter school healthy and ready to learn; and

Whereas, the levy is not a tax increase; and

Whereas, this levy is a critical piece of our community safety net, available for all of us at any time; and

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

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

**Section 1.** That this Council recognizes the far-reaching importance of the Health and Human Service levy renewal and supports its passage on Tuesday, May 4, 2010.

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

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

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

**Res. No. 313-10.**

**By Council Member Cimperman. An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 1296 West 6th Street, and repealing Resolution No. 935-09, objecting to said renewal.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 1296

West 6th Street by Resolution No. 935-09 adopted by the Council on July 1, 2009; and

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

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to Mystery Production, Inc., DBA Traffic, 1296 West 6th Street, Cleveland, Ohio 44113, Permanent Number 6275945 be and the same is hereby withdrawn and Resolution No. 935-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 314-10.**

By Council Member Reed.

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3750 Martin Luther King Jr. Boulevard.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from 3750 MLK, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8915130 to E. 116th Savmor Food, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2402515; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented rea-

sonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from 3750 MLK, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8915130 to E. 116th Savmor Food, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2402515; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING  
EMERGENCY ORDINANCE**

**Ord. No. 158-10.**

By Council Member Sweeney (by departmental request).

An emergency ordinance to make appropriations and provide current expenses for the daily operation of all municipal departments of the City of Cleveland for the fiscal year from January 1, 2010 until December 31, 2010.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance, when amended as follows:

1. In Section 1, strike lines 3 and 4 to read as follows: **"The sum of Five Hundred Eleven Million, Three Hundred Fifty Four Thousand, Eighty One Dollars (\$511,354,081)**

**from the General Fund;**"; and strike lines 9 and 10 to read as follows: **"The sum of Six Hundred Forty Five Million, Eight Hundred Seventy Three Thousand, Eight Dollars (\$645,873,008) from the Enterprise Funds;"**.

2. In Section 1, at "GENERAL FUND" at "Judicial Branch", strike "40,312,220" and insert **"40,352,220"**.

3. In Section 1, at "GENERAL FUND" at "Executive Branch", at "General Government" strike "7,705,947" and insert **"8,055,947"**.

4. In Section 1, at "GENERAL FUND" at "Executive Branch", at "Department of Public Health" strike "5,747,791" and insert **"5,620,812"**.

5. In Section 1, at "GENERAL FUND" at "Executive Branch", at "Department of Public Safety" strike "303,296,063" and insert **"303,690,205"**.

6. In Section 1, at "GENERAL FUND" at "Executive Branch", at "Department of Parks, Recreation and Properties" strike "36,748,966" and insert **"36,888,893"**.

7. In Section 1, at "GENERAL FUND" at "Executive Branch", at "Department of Building and Housing" strike "9,362,613" and insert **"9,427,613"**.

8. In Section 1, at "GENERAL FUND" at "Executive Branch", at "Nondepartmental" strike "39,911,035" and insert **"39,961,035"**.

9. In Section 1, at "Enterprise Funds" strike "647,721,283" and insert **"645,873,008"**.

10. In Section 1, at "TOTAL APPROPRIATIONS FOR 2010", strike "\$1,311,511,710" and insert **"\$1,310,575,525"**.

11. In Section 1, at "GENERAL FUND" at "JUDICIAL BRANCH" at "Municipal Court - Clerk's Division" strike "14,381,653" and insert **"14,421,653"**; at "I. Personnel and Related Expenses", strike "9,095,356" and insert **"9,135,356"**; and at "TOTAL JUDICIAL BRANCH" strike "40,312,220" and insert **"40,352,220"**.

12. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" at "GENERAL GOVERNMENT" at "Civil Service Commission", strike "948,664" and insert **"1,298,664"**; at "II. Other Expenses" strike "402,673" and insert **"752,673"**; and at "TOTAL GENERAL GOVERNMENT" strike "7,705,947" and insert **"8,055,947"**.

13. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" at "GENERAL GOVERNMENT" at "Department of Law", at "Division of Law" at "I. Personnel and Related Expenses" strike "6,449,919" and insert **"6,556,909"**; and at "II. Other Expenses" strike "1,794,564" and insert **"1,687,574"**.

13. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" at "GENERAL GOVERNMENT" at "DEPARTMENT OF PUBLIC HEALTH", at "Division of Health" strike "3,271,603" and insert **"3,201,756"** at "II. Other Expenses" strike "1,324,057" and insert **"1,254,210"**; at "Division of Environment", strike "1,215,816" and insert **"1,158,684"**; at "II. Other Expenses" strike "211,043" and insert **"153,911"**; and at "TOTAL DEPARTMENT OF PUBLIC HEALTH" strike "5,747,791" and insert **"5,620,812"**.

14. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" at "GENERAL GOVERNMENT" at "DEPARTMENT OF PUBLIC SAFETY", at "Division of Police" strike

"173,671,754" and insert **"173,822,597"** at "I. Personnel and Related Expenses" strike "165,101,714" and insert **"165,221,057"**; at "II. Other Expenses" strike "8,570,040" and insert **"8,601,540"**; at "Division of Fire", strike "88,998,379" and insert **"89,193,842"**; at "I. Personnel and Related Expenses" strike "86,147,915" and insert **"86,343,378"**; at "Division of Dog Pound" strike "1,020,408" and insert **"1,068,244"**; at "I. Personnel and Related Expenses", strike "775,675" and insert **"823,511"**; and at "TOTAL DEPARTMENT OF PUBLIC SAFETY" strike "303,296,063" and insert **"303,690,205"**.

15. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" at "GENERAL GOVERNMENT" at "DEPARTMENT OF PARKS, RECREATION AND PROPERTIES", at "Division of Recreation" strike "13,059,387" and insert **"13,202,284"**; at "I. Personnel and Related Expenses" strike "9,189,927" and insert **"9,332,824"**; at "Division of Property Management", strike "8,464,567" and insert **"8,461,597"**; at "I. Personnel and Related Expenses" strike "5,653,486" and insert **"5,650,516"**; and at "TOTAL DEPARTMENT OF PARKS, RECREATION AND PROPERTIES" strike "36,748,966" and insert **"36,888,893"**.

16. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" at "GENERAL GOVERNMENT" at "DEPARTMENT OF BUILDING AND HOUSING", at "Building and Housing Dir Office" strike "1,799,076" and insert **"1,864,076"**; at "II. Other Expenses" strike "286,575" and insert **"351,575"**; and at "TOTAL DEPARTMENT OF BUILDING AND HOUSING" strike "9,362,613" and insert **"9,427,613"**.

17. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" at "GENERAL GOVERNMENT" at "NONDEPARTMENTAL", at "Other Administrative" strike "19,099,637" and insert **"19,149,637"**; at "II. Other Expenses" strike "19,099,637" and insert **"19,149,637"**, and at "TOTAL NONDEPARTMENTAL" strike "39,911,035" and insert **"39,961,035"**.

18. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" and at "GENERAL GOVERNMENT" at "TOTAL EXECUTIVE BRANCH", strike "463,866,757" and insert **"464,738,847"**.

19. In Section 1, at "GENERAL FUND" at "EXECUTIVE BRANCH" and at "GENERAL GOVERNMENT" at "TOTAL GENERAL FUND", strike "510,441,991" and insert **"511,354,081"**.

20. In Section 1, at "ENTERPRISE FUNDS" at "DEPARTMENT OF PORT CONTROL" at "Divisions of Cleveland Hopkins & Burke Lakefront", at "Airports - Operations" strike "148,949,943" and insert **"147,048,168"**; at "I. Personnel and Related Expenses" strike "28,063,744" and insert **"31,929,496"**; at "II. Other Expenses" strike "120,886,199" and insert **"115,118,672"**; and at "TOTAL DEPARTMENT OF PORT CONTROL" strike "148,949,943" and insert **"147,048,168"**.

21. In Section 1, at "ENTERPRISE FUNDS" at "DEPARTMENT OF PARKS RECREATION AND PROPERTIES" at "Golf Course Fund", at "I. Personnel and Related Expenses" strike "985,151" and insert **"1,006,951"**; at "II. Other Expenses" strike "811,937" and insert **"790,137"**; at

"Division of Parking Facilities-Off Street Parking" strike "10,324,163" and insert **"10,342,163"**; at "II. Other Expenses" strike "9,183,573" and insert **"9,201,573"**; at "Division of Convention Center & Stadium - West Side Market", strike "1,078,780" and insert **"1,114,280"**; at "II. Other Expenses" strike "710,628" and insert **"746,128"**; and at "TOTAL DEPARTMENT OF PARKS RECREATION AND PROPERTIES" strike "35,104,330" and insert **"35,157,830"**.

22. In Section 1, at "ENTERPRISE FUNDS" at "TOTAL ENTERPRISE FUNDS", strike "647,721,283" and insert **"645,873,008"**.

Amendment agreed to.

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 1553-09.

By Council Member Miller.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Thornhill Road, Eddy Road to Greater Friendship Baptist Church.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

##### Ord. No. 1598-09.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4300 East 124th Street to Doris Jones, George Lentvor, Jake Williams, Edwina Cook, Gurlena Al-Khabir, Raymond Owens-Johnson, Sharon DeLoach, Lawrence Williams.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

##### Ord. No. 1726-09.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11717 Kelton Avenue to James Williams.

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

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

##### Ord. No. 20-10.

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

An emergency ordinance to amend Section 347.02 of the Codified Ord-

nances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1562-08, passed February 2, 2009, relating to restrictions on the keeping of farm animals and bees.

Approved by Directors of Public Health, Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Health and Human Services, Community and Economic Development, City Planning, Legislation, Finance, when amended as follows:

1. In the title, strike lines 2, 3, 4, and 5 in their entirety, and insert: **"To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.02, relating to restrictions on the keeping of"**.

2. In Section 1, strike lines 1, 2, and 3 in their entirety and insert: **"Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 347.02 to read as follows:"**.

3. In Section 2, strike lines 1, 2, and 3 in their entirety and insert:

**"Section 2. That Section 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by this ordinance, shall expire and be of no further force and effect on June 1, 2011."**

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

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

Those voting nay: Council Member Brady.

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

##### Ord. No. 132-10.

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

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

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

##### Ord. No. 164-10.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the United States Environmental Protection Agency for the Environmental Justice Small Grant Program; and

authorizing the Director to enter into one or more contracts with Famicos Foundation and Collinwood and Nottingham Villages Development Corporation, or their designees, to implement the grant.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

**Ord. No. 165-10.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with the Cleveland Clinic Foundation, or its designee, to provide economic development assistance to partially finance the construction of the Global Cardiovascular Innovation Center and other associated costs necessary to redevelop the property.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance, when amended as follows:

1. In Section 2, line 2, strike "165-10-A" and insert "**165-10-B**".

Amendment agreed to.

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

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

**Ord. No. 166-10.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with 25th Street Partnership LLC, or its designee, to provide economic development assistance to partially finance the construction and renovation of property located at 1947 West 25th Street and other associated costs necessary to redevelop the property.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

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

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and the Project Clean program and for the Department of Finance, for a period not to exceed one year.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Finance.

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

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

By Council Member Cleveland.

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

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Community and Economic Development Committee; Passage recommended by Committee on Finance.

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

**Ord. No. 270-10.**

By Council Member Pruitt.

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

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved

of Community and Economic Development Committee; Passage recommended by Committee on Finance.

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

**Ord. No. 271-10.**

By Council Member Reed.

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

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Community and Economic Development Committee; Passage recommended by Committee on Finance, when amended as follows:

1. Strike Section 13 in its entirety and insert:

**"Section 13. That all documents necessary to complete the conveyances authorized by this ordinance shall be executed by December 31, 2010. If all of the documents are not executed by December 31, 2010, the authority granted by this ordinance shall expire and be of no further force and effect."**

Amendments agreed to.

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

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

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

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

By Council Member Cimperman.

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

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

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

**APPROPRIATION FOR THE YEAR 2010  
(SECOND READING EMERGENCY ORDINANCE)  
ORDINANCE NO. 158-10**

**Ord. No. 158-10.**

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

**An emergency ordinance to make appropriations and provide current expenses for the daily operation of all municipal departments of the City of Cleveland for the fiscal year from January 1, 2010 until December 31, 2010.**

Whereas, this ordinance 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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2010, the following sums be and they are hereby appropriated viz:

**The sum of Five Hundred Eleven Million, Three Hundred Fifty Four Thousand, Eighty One Dollars (\$511,354,081) from the General Fund;**

The sum of Fifty Three Million, Five Hundred Eighty Three Thousand, Three Hundred Ninety Six Dollars (\$53,583,396) from the Special Revenue Funds;

The sum of Twenty Seven Million, Two Hundred Twenty Six Thousand, Nine Hundred Fifty One Dollars (\$27,226,951) from the Internal Service Funds;

**The sum of Six Hundred Forty Five Million, Eight Hundred Seventy Three Thousand, Eight Dollars (\$645,873,008) from the Enterprise Funds;**

The sum of Ten Million, One Hundred Twenty Six Thousand, Seven Hundred Sixty Two Dollars (\$10,126,762) from the Trust and Agency Funds;

The sum of Sixty Two Million, Four Hundred Eleven Thousand, Three Hundred Twenty Seven Dollars (\$62,411,327) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified in the aggregate amount for each department as follows:

**GENERAL FUND**

Legislative Branch	\$ 6,263,014
Judicial Branch	<b>40,352,220</b>
Executive Branch	
General Government	<b>8,055,947</b>
Department of Aging	864,052
Department of Personnel	1,652,803
Department of Consumer Affairs	316,104
Department of Law	8,244,483
Department of Finance	13,331,185
Department of Port Control	242,708
Department of Public Service	35,154,368
Department of Public Health	<b>5,620,812</b>
Department of Public Safety	<b>303,690,205</b>
Department of Parks, Recreation and Properties	<b>36,888,893</b>
Department of Building and Housing	<b>9,427,613</b>
Department of Economic Development	1,288,639
Nondepartmental	<b>39,961,035</b>
<b>TOTAL EXECUTIVE BRANCH</b>	<b>\$ 464,738,847</b>
<b>TOTAL GENERAL FUND</b>	<b>\$ 511,354,081</b>
Special Revenue Funds	\$ 53,583,396
Internal Service Funds	27,226,951
Enterprise Funds	<b>645,873,008</b>
Trust and Agency Funds	10,126,762
Debt Service Funds	62,411,327
<b>TOTAL APPROPRIATIONS FOR 2010</b>	<b>\$1,310,575,525</b>

**GENERAL FUND**

**LEGISLATIVE BRANCH**

Council and Clerk of Council	\$ 6,263,014
I. Personnel and Related Expenses	\$ 4,586,639
II. Other Expenses	1,676,375
<b>TOTAL LEGISLATIVE BRANCH</b>	<b>\$ 6,263,014</b>

**JUDICIAL BRANCH**

Municipal Court - Judicial Division	\$ 22,634,366
I. Personnel and Related Expenses	\$ 20,072,417
II. Other Expenses	2,561,949
Municipal Court - Clerk's Division	<b>\$ 14,421,653</b>
I. Personnel and Related Expenses	<b>\$ 9,135,356</b>
II. Other Expenses	5,286,297
Municipal Court - Housing Division	\$ 3,296,201
I. Personnel and Related Expenses	\$ 3,137,393
II. Other Expenses	158,808
<b>TOTAL JUDICIAL BRANCH</b>	<b>\$ 40,352,220</b>

**EXECUTIVE BRANCH**

**GENERAL GOVERNMENT**

Office of the Mayor	\$ 2,281,509
I. Personnel and Related Expenses	\$ 2,144,245
II. Other Expenses	137,264

Landmarks Commission		\$	175,990
I. Personnel and Related Expenses	\$	171,557	
II. Other Expenses		4,433	
Board of Building Standards and Appeals		\$	115,411
I. Personnel and Related Expenses	\$	108,169	
II. Other Expenses		7,242	
Board of Zoning Appeals		\$	197,675
I. Personnel and Related Expenses	\$	185,515	
II. Other Expenses		12,160	
Civil Service Commission		\$	<b>1,298,664</b>
I. Personnel and Related Expenses	\$	545,991	
II. Other Expenses		<b>752,673</b>	
Community Relations Board		\$	1,162,272
I. Personnel and Related Expenses	\$	1,081,477	
II. Other Expenses		80,795	
City Planning Commission		\$	1,513,347
I. Personnel and Related Expenses	\$	1,437,019	
II. Other Expenses		76,328	
Boxing and Wrestling Commission		\$	5,696
I. Personnel and Related Expenses	\$	5,696	
Office of Equal Opportunity		\$	543,417
I. Personnel and Related Expenses	\$	518,676	
II. Other Expenses		24,741	
Office of Budget & Management-Budget Admin.		\$	761,966
I. Personnel and Related Expenses	\$	595,988	
II. Other Expenses		165,978	
TOTAL GENERAL GOVERNMENT		\$	<b>8,055,947</b>
DEPARTMENT OF AGING			
Department of Aging		\$	864,052
I. Personnel and Related Expenses	\$	734,825	
II. Other Expenses		129,227	
TOTAL DEPARTMENT OF AGING		\$	864,052
DEPARTMENT OF PERSONNEL			
Office of Personnel		\$	1,652,803
I. Personnel and Related Expenses	\$	1,064,453	
II. Other Expenses		588,350	
TOTAL DEPARTMENT OF PERSONNEL		\$	1,652,803
DEPARTMENT OF CONSUMER AFFAIRS			
Consumer Affair		\$	316,104
I. Personnel and Related Expenses	\$	274,712	
II. Other Expenses		41,392	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$	316,104
DEPARTMENT OF LAW			
Division of Law		\$	8,244,483
I. Personnel and Related Expenses	\$	<b>6,556,909</b>	
II. Other Expenses		<b>1,687,574</b>	
TOTAL DEPARTMENT OF LAW		\$	8,244,483

DEPARTMENT OF FINANCE

Finance Administration		\$	842,493
I. Personnel and Related Expenses	\$	777,987	
II. Other Expenses		64,506	
Division of Accounts		\$	1,892,683
I. Personnel and Related Expenses	\$	1,261,239	
II. Other Expenses		631,444	
Division of Assessments and Licenses		\$	3,208,644
I. Personnel and Related Expenses	\$	2,296,933	
II. Other Expenses		911,711	
Division of Treasury		\$	661,962
I. Personnel and Related Expenses	\$	574,575	
II. Other Expenses		87,387	
Division of Purchases and Supplies		\$	549,510
I. Personnel and Related Expenses	\$	514,810	
II. Other Expenses		34,700	
Bureau of Internal Audit		\$	940,421
I. Personnel and Related Expenses	\$	568,382	
II. Other Expenses		372,039	
Division of Financial Reporting and Control		\$	1,334,116
I. Personnel and Related Expenses	\$	1,301,295	
II. Other Expenses		32,821	
Information Systems Services		\$	3,729,007
I. Personnel and Related Expenses	\$	2,099,075	
II. Other Expenses		1,629,932	
Information Tech & Planning		\$	172,349
I. Personnel and Related Expenses	\$	155,862	
II. Other Expenses		16,487	
TOTAL DEPARTMENT OF FINANCE		\$	<u><u>13,331,185</u></u>

DEPARTMENT OF PORT CONTROL

Division of Harbors		\$	242,708
I. Personnel and Related Expenses	\$	93,408	
II. Other Expenses		149,300	
TOTAL DEPARTMENT OF PORT CONTROL		\$	<u><u>242,708</u></u>

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$	400,519
I. Personnel and Related Expenses	\$	374,874	
II. Other Expenses		25,645	
Division of Architecture		\$	550,061
I. Personnel and Related Expenses	\$	522,306	
II. Other Expenses		27,755	
Division of Waste Collection and Disposal		\$	25,572,851
I. Personnel and Related Expenses	\$	15,126,083	
II. Other Expenses		10,446,768	
Division of Engineering and Construction		\$	4,740,395
I. Personnel and Related Expenses	\$	4,263,491	
II. Other Expenses		476,904	
Division of Traffic Engineering		\$	3,890,542
I. Personnel and Related Expenses	\$	2,897,744	
II. Other Expenses		992,798	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$	<u><u>35,154,368</u></u>

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$	833,161
I. Personnel and Related Expenses	\$	573,549	
II. Other Expenses		259,612	
Division of Health		\$	<b>3,201,756</b>
I. Personnel and Related Expenses	\$	1,947,546	
II. Other Expenses		<b>1,254,210</b>	
Division of Environment		\$	<b>1,158,684</b>
I. Personnel and Related Expenses	\$	1,004,773	
II. Other Expenses		<b>153,911</b>	
Division of Air Quality		\$	427,211
I. Personnel and Related Expenses	\$	145,711	
II. Other Expenses		281,500	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$	<b>5,620,812</b>

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$	3,418,827
I. Personnel and Related Expenses	\$	2,328,111	
II. Other Expenses		1,090,716	
Division of Police		\$	<b>173,822,597</b>
I. Personnel and Related Expenses	\$	<b>165,221,057</b>	
II. Other Expenses		<b>8,601,540</b>	
Division of Fire		\$	<b>89,193,842</b>
I. Personnel and Related Expenses	\$	<b>86,343,378</b>	
II. Other Expenses		2,850,464	
Division of Emergency Medical Services		\$	21,429,594
I. Personnel and Related Expenses	\$	19,133,156	
II. Other Expenses		2,296,438	
Division of Dog Pound		\$	<b>1,068,244</b>
I. Personnel and Related Expenses	\$	<b>823,511</b>	
II. Other Expenses		244,733	
Division of Correction		\$	14,757,101
I. Personnel and Related Expenses	\$	11,339,732	
II. Other Expenses		3,417,369	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$	<b>303,690,205</b>

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$	695,199
I. Personnel and Related Expenses	\$	549,986	
II. Other Expenses		145,213	
Division of Research, Planning, and Development		\$	740,215
I. Personnel and Related Expenses	\$	664,066	
II. Other Expenses		76,149	
Division of Recreation		\$	<b>13,202,284</b>
I. Personnel and Related Expenses	\$	<b>9,332,824</b>	
II. Other Expenses		3,869,460	
Division of Parking Facilities-On Street		\$	1,257,615
I. Personnel and Related Expenses	\$	1,197,750	
II. Other Expenses		59,865	
Division of Property Management		\$	<b>8,461,597</b>
I. Personnel and Related Expenses	\$	<b>5,650,516</b>	
II. Other Expenses		2,811,081	



Division of Park Maintenance and Properties		\$ 12,531,983
I. Personnel and Related Expenses	\$ 7,987,606	
II. Other Expenses	4,544,377	

TOTAL DEPT. OF PARKS, REC., AND PROPERTIES **\$ 36,888,893**

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir Office		\$ 1,864,076
I. Personnel and Related Expenses	\$ 1,512,501	
II. Other Expenses	351,575	

Division of Code Enforcement		\$ 6,005,887
I. Personnel and Related Expenses	\$ 5,831,335	
II. Other Expenses	174,552	

Division of Construction Permit		\$ 1,557,650
I. Personnel and Related Expenses	\$ 1,539,995	
II. Other Expenses	17,655	

TOTAL DEPARTMENT OF BUILDING AND HOUSING **\$ 9,427,613**

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$ 1,288,639
I. Personnel and Related Expenses	\$ 1,224,726	
II. Other Expenses	63,913	

TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT **\$ 1,288,639**

NONDEPARTMENTAL

County Auditor Deductions		\$ 2,436,175
II. Other Expenses	\$ 2,436,175	

Other Administrative		\$ 19,149,637
II. Other Expenses	\$ 19,149,637	

Transfers to Other Funds		\$ 18,375,223
II. Other Expenses	\$ 18,375,223	

TOTAL NONDEPARTMENTAL **\$ 39,961,035**

TOTAL EXECUTIVE BRANCH **\$ 464,738,847**

TOTAL GENERAL FUND **\$ 511,354,081**

SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$ 32,917,751
I. Capital	\$ 8,142,916	
II. Debt Service	24,774,835	

Street Construction, Maintenance & Repair Fund		\$ 19,665,645
I. Personnel and Related Expenses	\$ 13,592,156	
II. Other Expenses	6,073,489	

Schools Recreation & Cultural Activities Fund		\$ 1,000,000
II. Other Expenses	\$ 1,000,000	

TOTAL SPECIAL REVENUE FUNDS **\$ 53,583,396**

INTERNAL SERVICE FUND

Information Systems Services-Telephone Exchange		\$ 6,466,898
I. Personnel and Related Expenses	\$ 1,129,075	
II. Other Expenses	5,337,823	

Division of Motor Vehicle Maintenance		\$	17,418,449
I. Personnel and Related Expenses	\$	5,830,933	
II. Other Expenses		11,587,516	
Division of Printing and Reproduction		\$	2,468,496
I. Personnel and Related Expenses	\$	863,054	
II. Other Expenses		1,605,442	
City Storeroom and Central Warehouse		\$	873,108
I. Personnel and Related Expenses	\$	96,188	
II. Other Expenses		776,920	
TOTAL INTERNAL SERVICE FUNDS		\$	27,226,951

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$	2,563,927
I. Personnel and Related Expenses	\$	1,976,716	
II. Other Expenses		587,211	
Radio		\$	1,974,855
I. Personnel and Related Expenses	\$	417,065	
II. Other Expenses		1,557,790	
Division of Fiscal Control		\$	3,274,428
I. Personnel and Related Expenses	\$	2,888,100	
II. Other Expenses		386,328	
Division of Water		\$	262,912,973
I. Personnel and Related Expenses	\$	79,498,526	
II. Other Expenses		183,414,447	
Division of Water Pollution Control		\$	22,725,965
I. Personnel and Related Expenses	\$	10,588,455	
II. Other Expenses		12,137,510	
Division of Cleveland Public Power		\$	170,214,862
I. Personnel and Related Expenses	\$	28,251,992	
II. Other Expenses		141,962,870	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$	463,667,010

## DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront			
Airports - Operations		\$	147,048,168
I. Personnel and Related Expenses	\$	31,929,496	
II. Other Expenses		115,118,672	
TOTAL DEPARTMENT OF PORT CONTROL		\$	147,048,168

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$	1,755,189
I. Personnel and Related Expenses	\$	1,278,247	
II. Other Expenses		476,942	
Golf Course Funds		\$	1,797,088
I. Personnel and Related Expenses	\$	1,006,951	
II. Other Expenses		790,137	

Division of Parking Facilities-Off Street Parking		<b>\$ 10,342,163</b>
I. Personnel and Related Expenses	\$ 1,140,590	
II. Other Expenses	<b>9,201,573</b>	
Division of Convention Center		\$ 4,643,302
I. Personnel and Related Expenses	\$ 1,819,746	
II. Other Expenses	2,823,556	
Division of Convention Center & Stadium- West Side Market		<b>\$ 1,114,280</b>
I. Personnel and Related Expenses	\$ 368,152	
II. Other Expenses	<b>746,128</b>	
Division of Convention Center & Stadium-Stadium		\$ 15,465,808
II. Other Expenses	\$ 15,465,808	
Division of Property Management - East Side Market		\$ 40,000
II. Other Expenses	\$ 40,000	
 TOTAL DEPT. OF PARKS, REC., AND PROPERTIES		 <b>\$ 35,157,830</b>
TOTAL ENTERPRISE FUNDS		<b>\$ 645,873,008</b>
 AGENCY FUND		
Central Collection Agency		\$ 10,126,762
I. Personnel and Related Expenses	\$ 6,218,304	
II. Other Expenses	3,908,458	
TOTAL AGENCY FUND		<b>\$ 10,126,762</b>
 DEBT SERVICE FUND		
Sinking Fund Commission		\$ 62,411,327
I. Personnel and Related Expenses	\$ 175,176	
II. Other Expenses	423,568	
III. Debt Service	61,812,583	
TOTAL DEBT SERVICE FUNDS		<b>\$ 62,411,327</b>

**Section 2.** That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2009 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2010 or prior years. The Mayor's Estimate, File No 158-10-A as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2010 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

**Section 3.** That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

**Schedule of Changes  
(Published pursuant to Section 39 of the Charter)**

The following changes are made to provide for reductions/increases in various departments of City Government: to correct the total of the 2010 Appropriation Ordinance No. 158-10.

2010 Mayor's Estimate Ordinance

GENERAL FUND	DIFFERENCE
Legislative Branch	\$ -
Judicial Branch	40,000
Executive Branch	
General Government	350,000
Department of Public Health	(126,979)
Department of Public Safety	394,142
Department of Parks, Recreation & Properties	139,927
Department of Building and Housing	65,000
Nondepartmental	50,000
Total Executive Branch	872,090
<b>TOTAL GENERAL FUND</b>	<b>912,090</b>
Enterprise Funds	(1,848,275)
<b>TOTAL APPROPRIATIONS FOR 2010</b>	<b>\$ (936,185)</b>

GENERAL FUND

JUDICIAL BRANCH		
Municipal Court - Clerk's Division		\$ 40,000
I Personnel and Related Expenses	\$ 40,000	
<b>TOTAL JUDICIAL BRANCH</b>		<b>\$ 40,000</b>
EXECUTIVE BRANCH		
GENERAL GOVERNMENT		
Civil Service Commission		\$ 350,000
II Other Expenses	\$ 350,000	
<b>TOTAL GENERAL GOVERNMENT</b>		<b>\$ 350,000</b>
DEPARTMENT OF LAW		
Division of Law		\$ -
I Personnel and Related Expenses	\$ 106,990	
II Other Expenses	\$ (106,990)	
<b>TOTAL DEPARTMENT OF LAW</b>		<b>\$ -</b>
DEPARTMENT OF PUBLIC HEALTH		
Division of Health		\$ (69,847)
II Other Expenses	\$ (69,847)	
Division of Environment		\$ (57,132)
II Other Expenses	\$ (57,132)	
<b>TOTAL DEPARTMENT OF PUBLIC HEALTH</b>		<b>\$ (126,979)</b>
DEPARTMENT OF PUBLIC SAFETY		
Division of Police		\$ 150,843
I Personnel and Related Expenses	\$ 119,343	
II Other Expenses	\$ 31,500	
Division of Fire		\$ 195,463
I Personnel and Related Expenses	\$ 195,463	
Division of Dog Pound		\$ 47,836
I Personnel and Related Expenses	\$ 47,836	
<b>TOTAL DEPARTMENT OF PUBLIC SAFETY</b>		<b>\$ 394,142</b>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Recreation		\$ 142,897
I Personnel and Related Expenses	\$ 142,897	
Division of Property Management		\$ (2,970)
I Personnel and Related Expenses	\$ (2,970)	
TOTAL DEPT. OF PARKS, REC., AND PROPERTIES		<u>\$ 139,927</u>
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir Office		\$ 65,000
II Other Expenses	\$ 65,000	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		<u>\$ 65,000</u>
NONDEPARTMENTAL		
Other Administrative		\$ 50,000
II Other Expenses	\$ 50,000	
TOTAL NONDEPARTMENTAL		<u>\$ 50,000</u>
TOTAL EXECUTIVE BRANCH		<u>\$ 872,090</u>
TOTAL GENERAL FUND		<u>\$ 912,090</u>
ENTERPRISE FUNDS		
DEPARTMENT OF PORT CONTROL		
Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$ (1,901,775)
I Personnel and Related Expenses	\$ 3,865,752	
II Other Expenses	\$(5,767,527)	
TOTAL DEPARTMENT OF PORT CONTROL		<u>\$ (1,901,775)</u>
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Golf Course Fund		\$ -
I Personnel and Related Expenses	\$ 21,800	
II Other Expenses	\$ (21,800)	
Division of Parking Facilities-Off Street Parking		\$ 18,000
II Other Expenses	\$ 18,000	
Division of Convention Center & Stadium-West Side Market		\$ 35,500
II Other Expenses	\$ 35,500	
TOTAL DEPT. OF PARKS, REC., AND PROPERTIES		<u>\$ 53,500</u>
TOTAL ENTERPRISE FUNDS		<u>\$ (1,848,275)</u>

Ordinance No. 158-10 is herein published following the Public Hearing and before the third reading and final passage and reflects the necessary amendments required by this schedule.

**MOTION**

The Council Meeting adjourned at 7:50 p.m. to meet on Monday, March 15, 2010 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

March 3, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 3, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Absent: Mayor Jackson and Acting Director West.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker, Acting Director, Office of Equal Opportunity.

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

**Resolution No. 79-10.**

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by products during the month of February, 2010 in the amount of \$17,376.37, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 80-10.**

By Director Dumas.

Be it resolved, by the Board of Control of the City of Cleveland that the conditional bid of Call Center Consulting Inc., except for such

terms and conditions as are unacceptable to the Director of Law, for the purchase of software, hardware, and installation for an Automated Call Center, all items, for the Department of Finance, on behalf of the Clerk of Courts, Cleveland Municipal Court, received on December 3, 2009, which on the basis of the order quantity would amount to \$9,830.00, is approved as the lowest and best bid, and the Director of Finance is requested to enter into contract for the items with the bidder.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 81-10.**

By Director Withers.

Whereas, under the authority of Ordinance No. 158-09, passed June 1, 2009 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized to purchase property in the vicinity of 24101 Aurora Road, aka Permanent Parcel Number 791-11-009, for the implementation of the Aurora Road project;

Whereas, Ordinance No. 158-09 provides that the consideration to be paid for this property shall not exceed fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 158-09, passed by the Council of the City of Cleveland on June 1, 2009, that the consideration to be paid for the property located west of 24101 Aurora Road, aka Permanent Parcel Number 791-11-009, shall be \$47,000.00, which amount is determined not to exceed fair market value.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 82-10.**

By Director Withers.

Whereas, under the authority of Ordinance No. 500-08, passed by the Council of the City of Cleveland on June 2, 2008, and Resolution No. 241-09, adopted by this Board on June 17, 2009, the City, through its Director of Public Utilities, entered into City Contract No. 69444 with Dominion Products and Services, Inc. to provide the professional services necessary to develop, market, implement and manage a Water and Sewer Service Line Residential Service Contract and Protection Plan Program, for a period of five years, with one option by the Director of Public Utilities to renew for an additional five year period, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, and

Whereas, the City has learned that Resolution No. 241-09 did not list all available combinations of Water and Sewer Service Line Residential Service Contract and Protection Plan programs and the monthly fees to be charged to customers for them; and

Whereas; the City desires that Dominion offer to customers under Contract No. 69444 all available combinations of the above mentioned customer service programs; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 241-09, adopted June 17, 2009, under the authority of Ordinance No. 500-08, passed by the Council of the City of Cleveland on June 2, 2008, approving Dominion Products and Services, Inc. to provide the professional services necessary to develop, market, implement and manage a Water and Sewer Service Line Residential Service Contract and Protection Plan Program, for a period of five years, with one option, exercisable by the Director of Public Utilities, to renew for an additional five year period, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, is amended by deleting the original list of customer service programs to be offered and the monthly fees for each and substituting the following:

<b>Service Description</b>	<b>Monthly Charge</b>
	<b>CWD Admin Surchage Included</b>
<b>Individual Programs</b>	
Water Line Replacement	\$3.25 \$0.25
Sewer Line Repair	\$4.75 \$0.25
In Home Plumbing Repair	\$4.95 \$0.25
Premium In Home Plumbing Repair (includes fixtures)	\$8.50 \$0.25
<b>Combination Programs</b>	
Water Line Replacement and Sewer Line Repair	\$7.00 \$0.50
Water Line Replacement and In Home Plumbing Repair	\$7.20 \$0.50
Water Line Replacement and Premium In Home Plumbing Repair	\$10.75 \$0.50
Sewer Line Repair and In Home Plumbing Repair	\$8.70 \$0.50
Sewer Line Repair and Premium In Home Plumbing Repair	\$12.25 \$0.50
Water Line Replacement, Sewer Line Repair and In Home Plumbing Repair	\$10.95 \$0.75

Water Line Replacement, Sewer Line Repair and Premium In Home Plumbing Repair	\$14.50 \$0.75
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**Preferred Restoration Programs**

Water Line Replacement Preferred Restoration	\$1.50 \$0.10
Sewer Line Repair Preferred Restoration	\$1.75 \$0.10

Be it further resolved that all other provisions of Resolution No. 241-09 not expressly amended above shall remain unchanged and in full force and effect.

Be it further resolved, that the Director of Public Utilities is authorized to execute all documents and to do all things necessary to amend Contract No. 69444 to effect the amendment to Resolution No. 241-09 approved above.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 83-10.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 1724-09, passed February 8, 2010, by the Council of the City of Cleveland, the firm of HWH Architects, Engineers, Planners, Inc. ("Architect") is selected upon the nomination of the Director of Public Service from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Service as the firm of architects to be employed by contract for the purpose of supplementing the regularly employed staff of the Division of Architecture in order to provide the professional services necessary for the rehabilitation of various Department of Public Service facilities.

Be it further resolved, that the Director of Public Service is authorized to enter into a written contract with HWH Architects, Engineers, Planners, Inc., based upon its proposal dated September 3, 2009, which contract shall be prepared by the Director and shall include such additional provisions as she deems necessary to benefit and protect the public interest. The total compensation to the Architect for all services under the contract authorized shall not exceed \$91,000.

Be it further resolved, that the employment of the following subconsultants by HWH Architects, Engineers, Planners, Inc. is approved:

Sandhu & Associates  
(CSB/MBE) — \$14,000.00 — (15.385%)

Bonnie E. Smith, Architect  
(CSB/FBE) — \$15,000.00 — (16.484%)

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 84-10.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No 1273-09, passed by the Council of the City of Cleveland on December 7, 2009, DLZ Ohio, Inc. is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Reconstruction of Cedar Avenue from East 21st Street to East 55th Street.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with DLZ Ohio, Inc. based on its proposal dated November 20, 2009, as amended by its revised cost proposal dated February 10, 2010, provided that the compensation to be paid shall not exceed \$324,267.00. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other 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 subconsultants by DLZ Ohio, Inc. for the above authorized contract is approved:

Michael Benza & Associates  
(CSB) — \$81,249.00 — (25.056%)

Pro Geotech  
(CSB/MBE) — \$10,111.00 — (3.118%)

Ohio Test Bor, Inc.  
\$1,200.00

C.P. Braman  
(CSB/FBE) — \$2,850.00 — (0.879%)

SE Blueprint  
(CSB/FBE) — \$ 7,415.00 — (2.287%)

KS Associates  
\$13,700.00

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 85-10.**

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck, for an estimated quantity of five cab and chassis with box van bodies, and

related equipment, all items, including option #1 on all vehicles, and option #2 on two vehicles, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on November 19, 2009, under the authority of Ordinance No. 902-07, passed by Cleveland City Council on July 11, 2007, which on the basis of the estimated quantity would amount to \$267,180.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service 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 \$267,180.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 86-10.**

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Ohio Machinery dba Ohio CAT for an estimated quantity of Barber Greene road pavers parts and labor, and Caterpillar equipment parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of 3 years beginning with the date of execution of a contract, received on November 19, 2009, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$300,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service 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 \$50,000.00.

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 to the contract

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 87-10.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland,

that all bids received on February 4, 2010 for cleaning the West Side Market for the Department of Parks, Recreation & Properties under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976 are rejected.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 88-10.**

By Acting Secretary Workman.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 678-09, passed by the Council of the City of Cleveland on June 1, 2009, EB Jacobs, LLC is selected on nomination of the Secretary of the Civil Service Commission from a list of firms determined after a full and complete canvass by the Secretary of the Civil Service Commission, to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to develop, administer, and grade Firefighter tests and perform a statistical analysis for the classification of Firefighter.

Be it further resolved that the Secretary of the Civil Service Commission is authorized to enter into contract with EB Jacobs, LLC based on its proposal dated January 6, 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 an aggregate fee not to exceed \$431,775.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 89-10.**

By Director Rush.

Whereas, under the authority of Ordinance No. 275-09, passed March 30, 2009, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to convey the following real property located at 18900 Fairville Avenue, and further known as Permanent Parcel Number 026-26-052, and no longer needed for public use, to Kamm's Corners Development Corporation, or its designee; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 275-09, passed March 30, 2009, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is hereby directed to convey Per-

manent Parcel Number 026-26-052, the real property as described in Ordinance No. 275-09, no longer needed for public use, to Kamm's Corners Development Corporation, or its designee. The consideration to be paid for the property shall be \$1.00 and other valuable consideration, which amount is determined to be not less than fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland, which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 90-10.**

By Director Rush.

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

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

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 132-20-102, located at 7012 Lansing from HUD; and

Whereas, Slavic Village Development has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 132-20-102 to Slavic Village Development is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur,

Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 91-10.**

By Director Rush.

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

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

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 132-10-060, located at 3792 East 53rd Street from HUD; and

Whereas, Slavic Village Development has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 132-10-060 to Slavic Village Development is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 92-10.**

By Director Rush.

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

Whereas, Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, authorizes the Commissioner of Purchases and Supplies to acquire certain properties owned by the Department of Housing and Urban Development



(HUD) and Fannie Mae, each for a price determined as Fair Market Value, as part of the Land Reutilization Program; and

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 138-011-17, located at 11821 Avon from HUD; and

Whereas, Two Brothers Rehab and Renovation LLC has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024 Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 138-01-117 to Two Brothers Rehab and Renovation LLC is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 93-10.**

By Director Rush.

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

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

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 123-22-007, located at 4976 Mead Avenue from HUD; and

Whereas, Affordable Demolition and Hauling has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

Whereas, Section 183.024 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and with the prior written

consent of the Council member(s) in whose ward the property acquired from HUD or Fannie Mae to be sold is located, to convey the property to purchasers for the public purpose of rehabilitation and/or resale for consideration established by the Board of Control at not less than fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 123-22-007 to Affordable Demolition and Hauling is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

**Resolution No. 94-10.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Panzica Construction Company for the public improvement of Collinwood Recreation Center, for Base Bid Gross Prices and Add Alternate Items 1-8, 11 and 13-17, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on February 19, 2010, under the authority of Ordinance Nos. 451-08 and 597-09, passed on June 9, 2008 and June 8, 2009, upon a gross price basis for the improvement in the aggregate amount of \$9,852,150.00, is affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Panzica Construction Company for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Miles Mechanical (CSB/MBE)	\$ 1,080,500.00 10.967%
Western Reserve Interiors (CSB/FBE)	\$ 319,900.00 3.247%
VIP Restoration (CSB)	\$ 315,000.00 2.487%
Comm Steel (CSB/MBE)	\$ 290,000.00 2.944%
Xtreme Elements	\$ 245,544.00 2.492%

Start to Finish (CSB/MBE)	\$ 245,000.00 2.487%
North Electric	\$ 159,300.00 1.617%
Down to Earth Landscaping (CSB/FBE)	\$ 154,769.00 1.571%
KLE Construction (CSB/MBE)	\$ 126,000.00 1.279%
MAC Mechanical (CSB/FBE)	\$ 95,000.00 0.964%
M. Riveria Construction (CSB/MBE)	\$ 93,000.00 0.944%
Lakeland Electric	\$ 53,100.00 0.539%
JC Sharp (CSB/FBE)	\$ 24,398.00 0.248%
Pete and Pete (CSB/FBE)	\$ 20,700.00 0.210%

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Directors Nichols, Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MARCH 22, 2010**

**9:30 A.M.**

**Calendar No. 10-26:** 1969 East 119th Street (Ward 9)

Little Italy Development, LLC, owner of the property located at 1969 East 119th Street, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02 (d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Department of Building and Housing on February 2, 2010 for failure to comply with the provisions of the City of Cleveland Zoning Code as stated in Section 327.02(c), Sections 349.07(a) and (b), Section 349.08 and Section 350.04 of the Cleveland Codified Ordinances.

**Calendar No. 10-27:** 3162 East 93rd Street (Ward 6)

Orealous Caldwell, owner, appealed for a variance from the Specific Use Regulations and permission to expand the use as a barber shop to include a tattoo shop, in an existing one-story building on a 50' x 165' parcel located in a General Retail Business District on the west side of East 93rd Street at 3162 East 93rd Street; subject to location regulations for specific uses, a tattoo use shall not be established within 1,000 feet of a residential district or a day care center, a school, public library, a church, a playground, a public or nonprofit recreation center or a community center, and no such use shall be established within 1,000 feet of another such use as stated in Sections 347.12(b)(1) and (2) of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, MARCH 8, 2010**

At the meeting of the Board of Zoning Appeals on Monday, March 8, 2010, the following appeals were heard by the Board.

The following appeal was **Approved:**

**Calendar No. 10-5:** 3837 Ridge Road (Ward 15)

WHS Services, Inc., owner, and Salem Hasrouni, tenant, appealed to add entertainment/dance hall use to an existing tavern in a Semi-Industry District; subject to conditions.

The following appeal was **Denied:**

**Calendar No. 09-244:** 1678 Leonard Avenue (Ward 3)

Mike Hirko, owner, and Scott Rogers, tenant, appealed to change from factory/warehouse to a private club the use of an existing building in a General Industry District.

The following appeals were **Withdrawn:**

None.

The following appeals were **Postponed:**

**Calendar No. 10-17:** 5608 Hough Avenue (Ward 7) postponed to April 19, 2010.

**Calendar No. 10-18:** 5614 Hough Avenue (Ward 7) postponed to April 19, 2010.

**Calendar No. 10-19:** 5616 Hough Avenue (Ward 7) postponed to April 19, 2010.

**Calendar No. 09-233:** 7310 Fleet Avenue (Ward 12) postponed to May 17, 2010.

The following appeals were **Dismissed:**

None.

The following appeals heard by the Board on March 1, 2010 were adopted and approved on March 8, 2010.

The following appeals were **Approved:**

**Calendar No. 10-15:** 13813 Lorain Avenue (Ward 18)

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

**Calendar No. 09-255:** 6021 Memphis Avenue (Ward 13)

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

**Calendar No. 09-266:** 18605 Flamingo Avenue (Ward 19)

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

Secretary

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

Re: Report of the Meeting of March 3, 2010

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

\* \* \*

**Docket A-317-09.**

RE: Appeal of Debra Wilson, Owner of the Two Dwelling Units Two and One-half Story Frame Residential Property located on the

premises known as 7708 Star Avenue from a 30 DAY CONDEMNATION ORDER — MS, dated December 23, 2002 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-317-09 has been WITHDRAWN, at the request of the Appellant.

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**Docket A-342-09.**

RE: Appeal of Corrine P. Croom, Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 2795 East 124th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 7, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

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**Docket A-343-09.**

RE: Appeal of Deirdre J. Lauer, Owner of the MXD Mixed Uses — Multiple Uses In One Building Two Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 2900 Independence Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 26, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ten (10) 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. Sullivan and seconded by Mr. Bradley.

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

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**Docket A-344-09.**

RE: Appeal of Aretmus Hall, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 10718 Arthur Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated September

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

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

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

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**Docket A-345-09.**

RE: Appeal of Green Apple Properties LLC, Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 1901 Rowley Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 31, 2009 of the Director of the Department of Building and Housing requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-345-09 have been POSTPONED; to be rescheduled for March 17, 2010.

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**Docket A-346-09.**

RE: Appeal of West Bethel Baptist Church, Owner of the One Dwelling Unit Single Family Residence Three Story Frame/Siding/Masonry Veneer Property located on the premises known as 5209 Franklin Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 4, 2009 of the Director of the Department of Building and Housing requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-346-09 have been POSTPONED; to be rescheduled for March 17, 2010.

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**Docket A-347-09.**

RE: Appeal of The Loan Place, Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 1538 East 70th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 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 four (4) weeks in which to obtain all permits and six (6) months in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further

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

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

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**Docket A-348-09.**

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

BE IT RESOLVED, a motion is in order at this time to DENY the Appeal and to REMAND the property at 12716 Brackland Avenue to the Department of Building and Housing for supervision and any required further action, noting the absence of the Appellant. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

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**Docket A-349-09.**

RE: Appeal of Philip E. Pavarini, Owner of the S-1 Storage — Moderate Hazard (Combustibles) One Story Masonry Property located on the premises known as 2900 Independence Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 3, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date.

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**Docket A-350-09.**

RE: Appeal of Jon D. Patterson, Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 11706 Fairport Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 6, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to REMAND the property at 11706 Fairport Avenue to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan.

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

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**Docket A-352-09.**

RE: Appeal of Shirley A. Ward, Owner of the Two Dwelling Units Two-Family Residence Two and

One-half Story Masonry Property located on the premises known as 914 East 130th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 9, 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 four (4) weeks in which to obtain permits and six (6) months in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the property is REMANDED automatically if either date is not met. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

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**Docket A-353-09.**

RE: Appeal of Lonesore Chaney, Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 4100 East 141st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant four (4) weeks in which to obtain permits and six (6) months in which to abate all violations. Failing to meet either date, will REMANDING the property automatically to the Department of Building and Housing for further action. 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. Sullivan.

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

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**Docket A-354-09.**

RE: Appeal of David G. Williams, Owner of the One Dwelling Unit Single Family Residence Two Story Frame Property located on the premises known as 3835 East 154th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 24, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required

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

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

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**Docket A-408-09.**

RE: Appeal of Maria Keckan, Owner of the A-2 Assembly — Nite Clubs, Restaurants One Story Masonry Property located on the premises known as 1616 West 25th Street from an ADJUDICATION ORDER, dated November 20, 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-408-09 has been WITHDRAWN at the request of the Appellant.

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**Docket A-446-09.**

RE: Appeal of International Specialty Produce, Inc., Owner of the Property located on the premises known as 3800 Woodland Avenue from a NOTICE OF VIOLATION — FIRE CODE, dated June 4, 2009 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action at this time, noting that docket will be rescheduled in sixty (60) days, expecting a review of the use of the building, the determination of a sprinkler system requirement, and a schedule of implementation of whatever solutions are agreed upon.

\* \* \*

**Docket A-18-10.**

RE: Appeal of John Peicu, Owner of the Property located on the premises known as 2009 West 81st Street from an ADJUDICATION ORDER, dated December 23, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for a variance for the sprinkler system with the six (6) occupants. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

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**Docket A-30-10.**

RE: Appeal of Tree of Knowledge Learning Center Inc. C/O Jackson Comfort Systems, Owner of the Property located on the premises known as 736 Lakeview Road from a NOTICE OF VIOLATION — HVAC, dated October 20, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the

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

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued, and that a late fee should be levied for the review of a proper pressure test by Dominion Gas. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-32-10.**

RE: Appeal of Schofield Properties, LLC, Owner of the M Property located on the premises known as 2000-2030 East 9th Street from an ADJUDICATION ORDER, dated February 3, 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 for March 17, 2010.

\* \* \*

**Docket A-36-10.**

RE: Appeal of Graves Restaurant LLC/MRN, Owner of the Property located on the premises known as 2071 East 4th Street from an ADJUDICATION ORDER, dated January 28, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance by the Building Department to allow the door to open out into a patio area, provided that other permits be obtained as required. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bradley.

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

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**Docket A-49-10.**

RE: Appeal of University Circle Inc., Owner of the Property located on the premises known as 10820 East Boulevard from an ADJUDICATION ORDER, dated February 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 permit the facility to be constructed and operated as proposed, noting the limitations or the general use of only one occupant and the reasonable facility for that occupant. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

**Docket A-53-10.**

RE: Appeal of MRN Development — Rick Maron, Owner of the Property located on the premises known as 629 Euclid Avenue from an ADJUDICATION ORDER, 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).

No action this date, the docket will be rescheduled for March 17, 2010.

\* \* \*

**EXTENSION OF TIME:**

**Docket A-139-08 — Jocelyn L. Travis — 432 East 109th Street:**

A motion is in order at this time to grant the Appellant 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. Bradley and seconded by Mr. Denk.

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

\* \* \*

**Docket A-195-08 — Tanyell Johnson — 12508 St. Clair Avenue:**

A motion is in order at this time to grant the Appellant six (6) months in which to complete the project. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-117-09 — Isabelle Brown — 16915 Glendale Avenue:**

A motion is in order at this time to DENY the appeal, based on the length of time that the property has been standing 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. Saunders.

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

\* \* \*

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

A motion is in order at this time to DENY the appeal for an "Extension of Time" and to REMAND the property at 1139 East 145th Street 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, Sullivan. Nays: None. Absent: Mr. Gallagher.

**APPROVAL OF RESOLUTIONS:**

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

- A-312-09—Bradon Partners.
- A-315-09—The Phillips & Huntley Group, LLC.
- A-318-09—Jeffrey W. Powers.
- A-325-09—Rhonda M. Warr.
- A-329-09—James Jugl.
- A-330-09—Brad L. Bell.
- A-331-09—Daphne M. Davis.
- A-332-09—Gilberto Mendez Jr.
- A-334-09—Durham Construction.
- A-337-09—Tomicka Martin.
- A-338-09—Abraham David.
- A-340-09—Timothy Capps.
- A-341-09—Timothy Capps.
- A-374-09—Michael & Kamal Elseikali.
- A-21-10—Durham Properties, Ltd.
- A-22-10—Durham Properties, Ltd.
- A-24-10—FED/Main Street LLC.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

February 17, 2010

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

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will

be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**THURSDAY, MARCH 25, 2010**

**File No. 48-2010 — Maintain Catch Basin Cleaning Trucks,** for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 19, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

March 10, 2010 and March 17, 2010

**THURSDAY, APRIL 1, 2010**

**File No. 41A-2010 — Collinwood Athletic Complex Locker Room Improvements,** for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1176-08, passed by the Council of the City of Cleveland, November 10, 2008.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE SPECIFICATIONS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 18, 2010 AT 2:00 P.M., THE COLLINWOOD ATHLETIC COMPLEX, 1070 EAST 152ND STREET, CLEVELAND, OHIO 44110.

**File No. 42A-2010 — Gasoline,** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 18, 2010 AT 11:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44108.

**File No. 44-2010 — Maintain and Repair Automatic Doors, Including Labor and Installation,** for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 19, 2010 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

March 10, 2010 and March 17, 2010

**WEDNESDAY, APRIL 7, 2010**

**File No. 43-2010 — Sonar Equipment,** for the Division of Homeland Security, Department of Public Safety, as authorized by Ordinance No. 639-08, passed by the Council of the City of Cleveland, June 2, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 22, 2010 AT 3:00 P.M. THE HOMELAND SECURITY, 205 ST. CLAIR AVENUE, ROOM 306, CLEVELAND, OHIO 44114.

**File No. 45-2010 — Labor and Materials Necessary to Maintain and Repair Heating, Ventilation and Air Conditioning System,** for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 26, 2010 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

March 10, 2010 and March 17, 2010

**THURSDAY, APRIL 8, 2010**

**File No. 46-2010 — Lubricants and Supporting Services,** for the Divisions of Water, Water Pollution Control and 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 **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 19, 2010 AT 2:30 P.M. THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 47-2010 — Hauling and Disposing of Water Plant Residuals**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 901-09, passed by the Council of the City of Cleveland, August 5, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 19, 2010 AT 1:30 P.M. THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 10, 2010 and March 17, 2010

### ADOPTED RESOLUTIONS AND ORDINANCES

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

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

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

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

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

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

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

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

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

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

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

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

Whereas, vacant foreclosed properties often become a breeding ground for crime and fires, and require a disproportionate amount of government maintenance, for securing properties against criminal activity, removal of garbage and rodents, including elimination of

blight through demolition, all at a cost to taxpayers; and

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

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

Whereas, due to the flood of foreclosures in Cleveland and other weak market neighborhoods in Ohio, banks walk away from properties by not taking back property titles leaving the property abandoned; and

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

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

Whereas, the Obama Administration should reconsider its funding allocation of TARP funds assisting home owners to prevent foreclosures; and

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

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

**Section 1.** Urging the Obama Administration to reconsider its decision to exclude the State of Ohio from receiving TARP federal funding to support new programs to keep homeowners from losing their properties.

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

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

Adopted March 1, 2010.

Effective March 1, 2010.

**Res. No. 274-10.**

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

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Mystery Productions, Inc., DBA Traffic Night Club & Patios, 1296 West 6th Street, Cleveland, Ohio 44113, Permanent Number 6275945 to Struga, Inc., DBA Sin Nite Club & Patios, 1296 West 6th Street, Cleveland, Ohio 44113, Permanent Number 8651505; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted March 1, 2010.  
Effective March 2, 2010.

**Res. No. 275-10.**  
**By Council Member Cummins.**  
**An emergency resolution objecting to a New C2 Liquor Permit at 3226 Clark Avenue.**

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

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at OLA 3226, Inc., 3226 Clark Avenue, Cleveland, Ohio 44109, Permanent Number 6527435, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted March 1, 2010.  
Effective March 2, 2010.

**Res. No. 276-10.**  
**By Council Member Miller.**  
**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 625 East 140th Street, and repealing Resolution No. 1101-09, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to Moe's Stop One, Inc., 625 East 140th Street by Resolution No. 1101-09 adopted by the Council on August 5, 2009; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Moe's Stop One, Inc., 625 East 140th Street, Cleveland, Ohio 44110, Permanent Number 6081178 be and the same is hereby withdrawn and Resolution No. 1101-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted March 1, 2010.  
Effective March 2, 2010.

**Res. No. 277-10.**  
**By Council Member Pruitt.**  
**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 15015 Ohio Avenue and repealing Resolution No. 1688-09, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 15015 Ohio Avenue by Resolution No. 1688-09 adopted by the Council on November 16, 2009; and

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

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

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

**Section 1.** That objection to a New C1 Liquor Permit to Leroy Mitchell Investments, LLC, DBA TY Grocery & Deli, 15015 Ohio Avenue, Cleveland, Ohio 44128, Permanent Number 6061857, be and the same is hereby withdrawn and Resolution No. 1688-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted March 1, 2010.  
Effective March 2, 2010.

**Ord. No. 9-10.**  
**By Council Members K. Johnson, Mitchell, Miller, Cleveland and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Service to issue a permit to the Shaker Square Area Development Corporation to encroach into the public rights-of-way above Shaker Boulevard and Fairhill Road by installing and maintaining 4 neighborhood entry signs.**

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 the Shaker Square Area Development Corporation ("Permittee"), 11811 Shaker Boulevard, Suite 206, Cleveland, Ohio 44120, to encroach into the public rights-of-way above Shaker Boulevard and Fairhill Road by installing and maintaining 4 neighborhood entry signs at the locations more fully described as follows:

**LOCATIONS**

S.E. corner of Martin Luther King, Jr. Blvd. and Fairhill Road  
N.E. corner of East 116th Street and Shaker Blvd.  
N.W. corner of East 130th Street and Shaker Blvd.  
S.W. corner of East 127th Street and Fairhill Road

**Section 2.** That Permittee may assign the permit only with the written consent of the Director of Public Service. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

**Section 3.** That the encroaching objects permitted by this ordinance shall conform to plans and specifications approved by the Commis-

sioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

**Section 4.** 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, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 5.** That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

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

Passed March 1, 2010.  
Effective March 2, 2010.

**Ord. No. 134-10.**

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

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

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

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

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

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

treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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

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

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

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

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

Passed March 1, 2010.  
Effective March 2, 2010.

**Ord. No. 159-10.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of building materials and used paving bricks, for the various divisions of City government, for the period of one year, with one option to renew exercisable by the Director of Finance.**

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 period of one year, with one option to renew exercisable by the Direc-

tor of Finance, of the necessary items of building materials and used paving bricks, 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, Department of Finance. 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. (RL RQN-1505-RL-2010-2)

**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 March 1, 2010.  
Effective March 2, 2010.

**Ord. No. 160-10.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, parts, and supplies necessary for the electrical maintenance of facilities, including labor when necessary, and for high and medium voltage testing equipment and safety equipment, for the various divisions of City government, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.**

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 con-



tracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year term, with two one-year options to renew, of the necessary items of materials, parts, and supplies necessary for the electrical maintenance of facilities, including labor when necessary, and for high and medium voltage testing equipment and safety equipment, 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 the 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 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. (RL RQN-1505-RL-2010-3)

**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 March 1, 2010.  
Effective March 2, 2010.

**Ord. No. 162-10.**

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

**An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Crimi-**

**nal Justice Services Agency for the 2010 Cleveland Team Approach to Domestic Violence; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program.**

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 Law is authorized to apply for and accept a grant in the approximate amount of \$115,108, and any other funds that may become available during the grant term, from the Criminal Justice Service Agency, to conduct the 2010 Cleveland Team Approach to Domestic Violence, for the purposes set forth in the application and according thereto; that the Director of Law 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 application for the grant.

**Section 2.** That the application for the grant, File No. 162-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$38,369.33, from Fund No. 01-1001-6397, is approved in all respects.

**Section 3.** That the Director of Law is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with other entities to implement the program as described in the file.

**Section 4.** That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

**Section 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 March 1, 2010.  
Effective March 2, 2010.

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

**By Council Member Mitchell.**

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

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Run for Peace sponsored by Our Lady of Peace Elementary School, on March 21, 2010, with the Race beginning at the corner of East 126th Street and Larchmere Avenue on East 126th St., to Shaker Boulevard. The course will pass Our Lady of Peace School and St. Luke's. At Martin Luther King Blvd., the route will turn south onto MLK Blvd and proceed past Benedictine High School to Mt. Auburn Ave. (The route will turn into Benedictine High School for a water stop and a loop on the grounds after which the course will continue south on MLK Blvd to Mt. Auburn Ave.) The course will have a turn around site at MLK Blvd. and Mt. Auburn Ave. The return course will proceed north on MLK Blvd to the north side of Shaker Blvd and turn right onto Shaker Blvd (north side) (so that we are only closing off the west bound portion of Shaker Blvd.). At East 126th St., the course turns left onto East 126 St. for a final loop at the Our Lady of Peace School on the corner of East 126th St. and Buckingham Ave. Also, Tot Trot for children, ages 10 and younger; route will be the city block of East 126th St., Shaker Blvd., East 128th St. and Buckingham Ave. The Tot Trot will start at 126th St. and proceed south on East 126th St. to Buckingham Ave. The course will veer to the right and proceed down Buckingham Ave. The course will turn left on East 128th and take another immediate left on Shaker Blvd. at East 126th St., the route will turn left and at Buckingham Ave., the route will end at the finish line. , provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 1, 2010.  
Effective March 2, 2010.

**COUNCIL COMMITTEE  
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NONE

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O—Ordinance; R—Resolution; F—File  
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