

# The City Record

Official Publication of the Council of the City of Cleveland



---

October the Twenty-Seventh, 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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Containing	PAGE
City Council	3
The Calendar	9
Board of Control	9
Civil Service	11
Board of Zoning Appeals	11
Board of Building Standards and Building Appeals	12
Public Notice	12
Public Hearings	12
City of Cleveland Bids	12
Adopted Resolutions and Ordinances	13
Committee Meetings	30
Index	30



# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

### Ward Name Residence

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

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

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
Valerie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker, Interim Director, Office of Equal Opportunity  
DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,  
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106  
Pam Benjamin, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;  
Frank Badalamenti, Manager, Internal Audit

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

DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Director, 1201 Lakeside Avenue  
DIVISIONS – 1201 Lakeside Avenue  
Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – John Christopher Nielson, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director  
Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113  
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – \_\_\_\_\_, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
Streets – Randall T. Scott, Commissioner, Room 25  
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Judge Courtroom

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, OCTOBER 27, 2010

No. 5055

## CITY COUNCIL

MONDAY, OCTOBER 25, 2010

The City Record  
Published weekly by the City Clerk,  
Clerk of Council under authority  
of the Charter of the  
City of Cleveland  
The City Record is available  
online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 25, 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 G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, and Directors Triozzi, Dumas, Withers, Smith, Wasik, Flask, Cox, Rybka, Nichols, Griffin, Marion, Fumich, Interim Director John D. Mahone, Lucille Ambroz, Secretary, Civil Service Commission, and Teresa Stevenson of Legislative Affairs.

Council Members, Administration, Staff, and those in the audience rose for a moment of silent reflection. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATION

File No. 1420-10.

October 22, 2010

Cleveland City Councilmembers  
City Hall, Room 220

Dear Councilmembers:

I am writing to recommend re-appointing Ronald Van Johnson, Jr. to the Board of Commissioners of the Cuyahoga Metropolitan Housing Authority (CMHA); he would fill the term ending October 24, 2013. Attached is his biography; as you can see, he brings valuable experience as well as policy expertise to the Board.

Mr. Johnson will be at the Caucus of Council on Monday, October 24th, and this nomination will be up for consideration by Council that evening.

Sincerely,  
Martin J. Sweeney,  
Council President

Received.

Without objection, appointment approved. Yeas 19. Nays 0.

#### FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1421-10.

Re: #7679502 — C2 Transfer of Ownership and Location Application — Salbros, Inc., d.b.a. Gas City, 3074 West 14th Street. (Ward 3). Received.

File No. 1422-10.

Re: #4174602 — D5, D6 Transfer of Ownership Application — J B J J, LLC., d.b.a. The Nauti Mermaid, 1st Floor and Basement and Patio, 1378 West 6th Street. (Ward 3). Received.

File No. 1423-10.

Re: #0424611 — D1, D2, D3, D2A, D6 Transfer of Ownership Application — Banana Blossom, LLC., d.b.a. Banana Blossom, 2800 Clinton Avenue. (Ward 3). Received.

File No. 1424-10.

Re: #7171120 — C1, C2 Stock Transfer Application — Rahi, Inc., 3705 East 116th Street. (Ward 6). Received.

File No. 1425-10.

Re: #2738672 — C1, New Application — 1st Choice Wireless and Grocery, LLC., 3280 East 93rd Street. (Ward 6). Received.

File No. 1426-10.

Re: #5377788 — C1, C2 Stock Transfer Application — M & A Foods, Inc., d.b.a. M & A Foods, 9200 Wade Park Avenue, Unit A 30 / 40 Only. (Ward 7). Received.

File No. 1427-10.

Re: #3698948 — C2, C2X, D8 Transfer of Ownership Application — HBA Beverage, Inc., d.b.a. McBills

Beverage, 1015 East 185th Street. (Ward 11). Received.

**File No. 1428-10.**  
Re: #0695330 — D1, D21, D3, D3A Transfer of Ownership Application — Broadview Sports Bar and Grill, Inc., d.b.a. N Yuk N Yuks, 1st Floor and Basement, 3314 Broadview Road. (Ward 13). Received.

**File No. 1429-10.**  
Re: #8917950 — C1, C2 Transfer of Ownership Application — 3101 Scranton, Inc., d.b.a. Gas USA, 3101 Scranton Road. (Ward 14). Received.

#### PLATS

**File No. 1430-10.**  
Council Member Cimperman (Ward 3).

Dedication of West 5th Street, Leedy Court and Marquardt Avenue Plat Review and Approval. West 7th Street, West 5th Street and Starkweather Avenue (Valleyview Homes Hope VI, Phase 1)

Approved by Director of City Planning. Referred to Committees on City Planning and Public Service.

**File No. 1431-10.**  
Council Member Conwell (Ward 9). Circle 118 Subdivision No. 1 Review and Approval. East 118th Street and Euclid Avenue.

Approved by Director of City Planning. Referred to Committees on City Planning and Public Service.

#### COMMUNICATION

**File No. 1432-10.**  
From Terry Ross, Retired Commissioner of Division of Administrative Services — Thanking Cleveland City Council for Congratulatory Resolution No. 1308-10. Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1433-10**—Alyce L. Sullivan.

**Res. No. 1434-10**—Jeffrey Scott Brown.

**Res. No. 1435-10**—Jonathan L. Malone.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 1436-10**—George A. Gill, Jr.

**Res. No. 1437-10**—Tim Barrett.

**Res. No. 1438-10**—Frank Piccirillo.

**Res. No. 1443-10**—J. Christopher Nielson.

#### RESOLUTIONS OF RECOGNITION

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

**Res. No. 1439-10**—Vocational Guidance Services.

**Res. No. 1440-10**—“Cleveland Culinary Celebration Week” & The Fabulous Food Show.

**Res. No. 1441-10**—Anand “Bill” Julka.

**Res. No. 1442-10**—Emerald Development and Economic Network, Inc. (EDEN).

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 1412-10.**  
By Council Member Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1709-09, passed November 30, 2009, relating to one or more requirement contracts without competitive bidding with Sprint Nextel Corporation for personal handheld devices and accessories, wireless connection cards, software, licenses, upgrades, and maintenance, including replacements, and monthly recurring service, for the Division of Information Technology and Services, Department 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 title and Section 1 of Ordinance No. 1709-09, passed November 30, 2009, are amended to read as follows:

An emergency ordinance authorizing the Director of Finance to enter into one or more requirement contracts without competitive bidding with Sprint Nextel Corporation for personal handheld devices with cellular capabilities, cellular devices with direct connect capabilities, pager equipment, and accessories, wireless connection cards, software, licenses, upgrades with software and licenses, including installation of equipment associated with the devices set forth in this ordinance on City-owned property, and maintenance, including replacements, and monthly recurring service, for the Division of Information Technology and Services, Department of Finance, for a period not to exceed one year, with two one-year options to renew, the first of which is exercised through additional legislative authority.

**Section 1.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Sprint Nextel Corporation. Therefore, the Director of Finance is authorized to make one or more written requirement contracts with Sprint Nextel Corporation under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed one year with two one-year options to renew, of the necessary items of personal handheld devices with cellular capabilities, cellular devices with direct connect capabilities, pager equipment, and accessories, wireless connection cards, software, licenses, upgrades with software and licenses, including installation of equipment associated with the devices set forth in this ordinance on City-owned property, and maintenance, including replacements, and monthly recurring service, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Information Technology and Services, Department of Finance. 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.

**Section 2.** That the existing title and Section 1 of Ordinance No. 1709-09, passed November 30, 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 Finance, Law; Committee on Finance.

**Ord. No. 1413-10.**  
By Council Members Keane and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 68710 with Early Morning Software, Inc. to provide professional services necessary to develop a data collection and analysis system of contract compliance requirements, including installing, designing, training, implementing, testing, maintaining, technical support and other related issues, for the Department of Port Control.

Whereas, under the authority of Ordinance No. 182-07, passed April 23, 2007, the Director of Port Control entered into Contract No. 68710 with Early Morning Software, Inc. to provide professional services necessary to develop a data collection and analysis system of contract compliance requirements, including installing, designing, training, implementing, testing, maintaining, technical support and other related issues, for the Department of Port Control; and

Whereas, No. 182-07 requires further legislation before exercising the first 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 first option to renew Contract No. 68710 for an additional year with Early Morning Software, Inc. to provide professional services necessary to develop a data collection and analysis system of contract compliance requirements, including installing, designing, training, implementing, testing, maintaining, technical support and other related issues, for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 182-07 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. 1414-10.**  
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing Director of Public Safety to extend Contract No. 64776 with ACS

**State & Local Solutions, Inc. for traffic photo enforcement on a month-to-month basis, for a period not to exceed six months.**

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

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

**Section 1.** That the Director of Public Safety is authorized to extend Contract No. 64776 with ACS State & Local Solutions, Inc. on a month-to-month basis, for a period not to exceed six months, on the same terms and conditions, for traffic photo enforcement.

**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 Public Safety, Finance, Law; Committees on Public Safety, Finance.

**Ord. No. 1415-10.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Rockwell Property, LLC, or their designee, to provide for the interior renovation of the office building located at 1403 East 6th Street; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.**

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 1326-10, passed October 4, 2010, and prior to the adoption of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the improvements to be constructed by Rockwell Property, LLC, or their designee ("Redeveloper"), as more fully described File No. 1415-10-A, ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

**Section 2.** That 44.87% of the Improvements are declared exempt from real property taxation for a period of 20 years; and that in no event shall the exemption period extend beyond 2030.

**Section 3.** That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of 20 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

**Section 4.** That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

**Section 5.** That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained the file mentioned above.

**Section 6.** That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund which shall be used as a debt reserve for bond financing and other economic development purposes as determined by the Director of Economic Development.

**Section 7.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

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

**Ord. No. 1417-10.**

**By Council Member K. Johnson. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 92nd Street to Micelli-LoGrasso Development, LLC.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Micelli-LoGrasso Development, LLC.

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

P. P. No. 126-23-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 20 in Alexander McCurdy's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425 as shown by the recorded plat in Volume 4 of Maps, Page 51 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 92nd Street (formerly Corwin Avenue) and extending back of equal width 166 feet 4 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 1418-10.

By Council Member Cimperman.

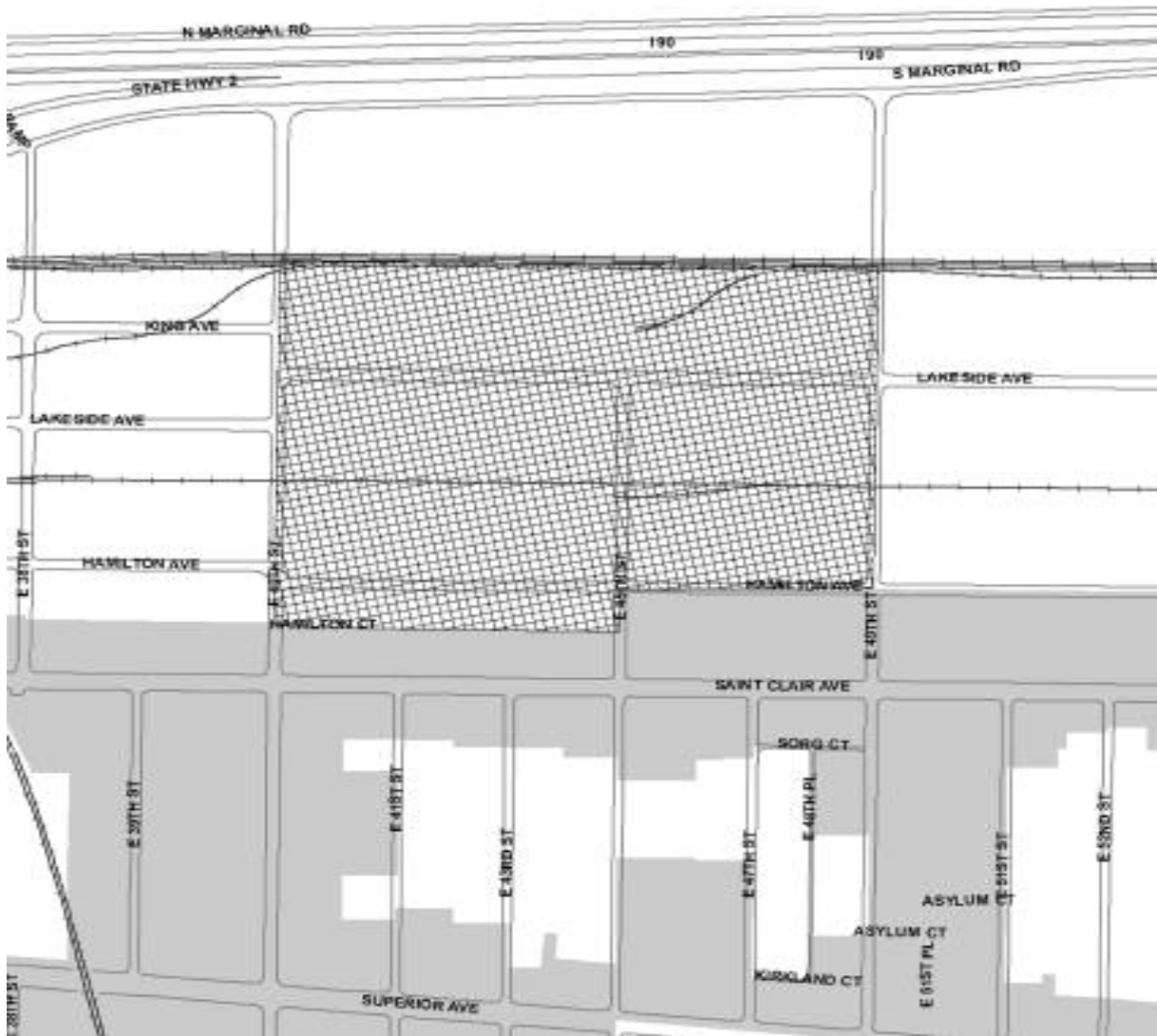
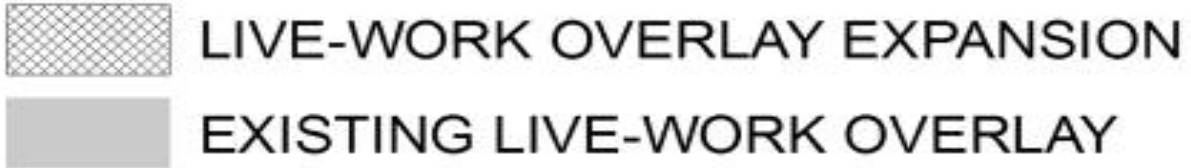
An ordinance expanding the Live-Work Overlay District to include the land between E. 40th Street and E. 49th Street north of Saint Clair Avenue and south of the railroad (Map Change No. 2339, Sheet No. 4).

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

Section 1. That the Live-Work Overlay District established by Ordinance Number 418-02, passed August 14, 2002, amended by Ordinance Number 1418-09 December 27,2003, is hereby Expanded to include land between E. 40th Street and E. 49th Street north of Saint Clair Avenue and south of the railroad as indicated on the map attached.

Section 2. That the designation of the area described in Section 1 hereof as the Live-Work Overlay Expansion shall be noted on the Building Zone Maps of the City of Cleveland and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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



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

**Ord. No. 1419-10.****By Council Member Keane.****An ordinance expanding the Kamm's Corners Design Review District (Map Change No. 2338, Sheet Number 12).**

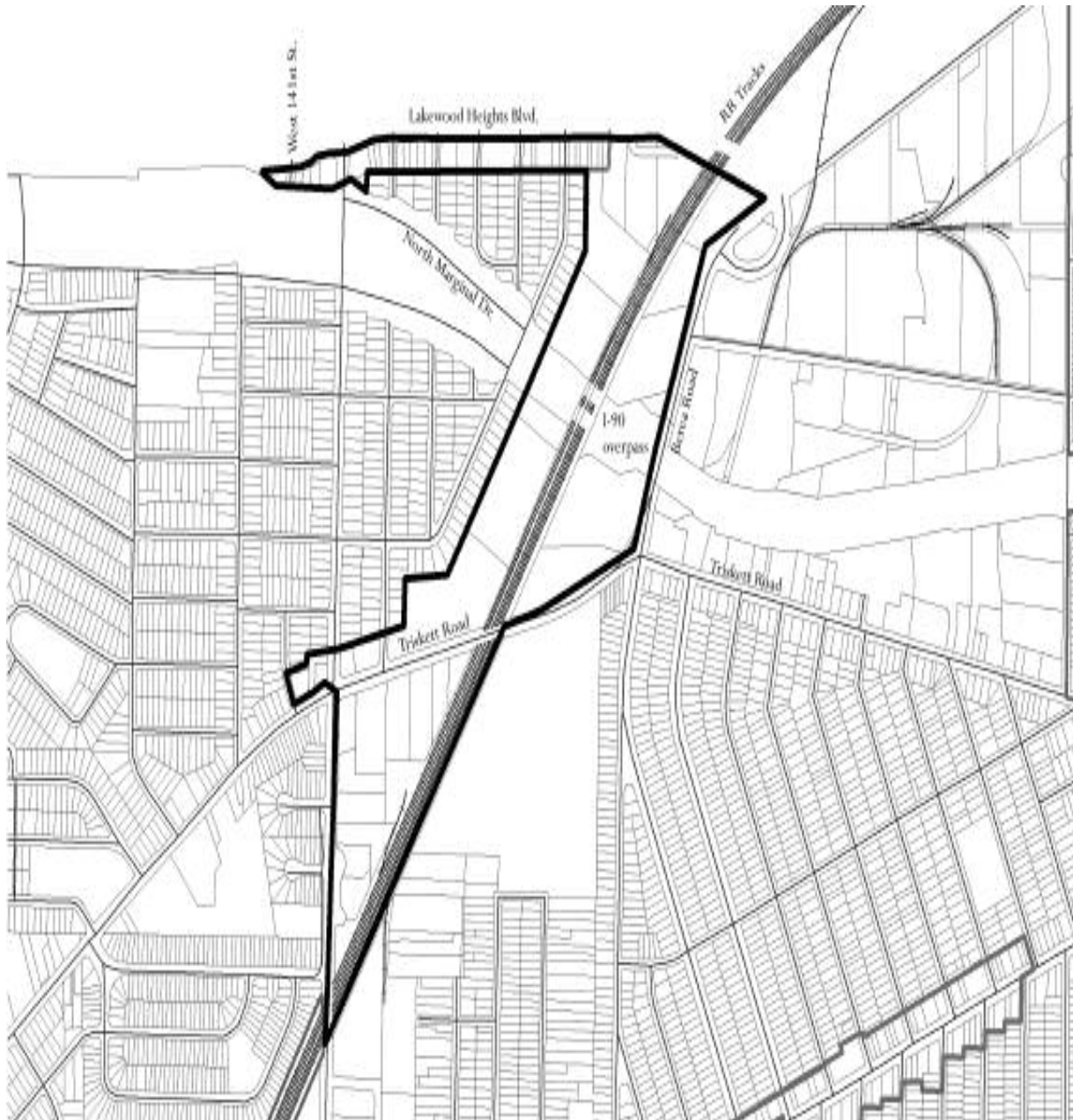
Whereas, the City Planning Commission has determined that proposed expansion area of the Kamm's Corners Design Review District, originally established by Ordinance Number 2247-95, expanded by Ordinance Number 1552-02, meets the criteria for designation contained in Section 341.04 of Chapter 341 of the Codified Ordinances of the City of Cleveland, Ohio, now, therefore

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

**Section 1.** That the Kamm's Corners Design Review District is hereby expanded and includes lands located along Triskett Road, West 140th Street, and Lakewood Heights Boulevard as shown outlined on the attached map.

**Section 2.** That the designation of the area described in Section 1 hereof as the Kamm's Corners Design Review District shall be identified as Map Change Number 2338, Sheet Number 12, noted on the Building Zone Maps of the City of Cleveland and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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



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

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 1416-10.

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

An emergency ordinance authorizing the Director of Community Development to make alterations and modifications in Contract No. PI 201000000019 with Dodson & Associates, Inc. for improvements to the kitchen and dining room at North Point Transitional Housing, located at 1550 Superior Avenue, for the Department of Community Development.

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 That the Director of Community Development is authorized to make the following alterations and modifications in Contract No. PI 201000000019 with Dodson & Associates, Inc., for improvements to the kitchen and dining room at North Point Transitional Housing, located at 1550 Superior Avenue, for the Department of Community Development:

Subsidiary Additions

Table with 2 columns: Description and Amount. Items include Fabric and install plastic laminate window sills (\$ 1,671.00), Install stainless steel preparation table (1,035.00), Install flooring and paint stairway hall (1,918.00), Painting and base for Corridor 101 (1,328.00), Floor transition strips in hallway and offices (138.00), ADA compliant handrails and knee-walls (2,981.00), Additional exterior window trim and paint ground floor (833.00), Contingency for unforeseen project close-out work (\$ 2,000.00), and Subsidiary Additions (\$11,904.00).

Summary table with 2 columns: Description and Amount. Items include Original Contract Amount (\$251,888.00), Subsidiary Additions (+11,904.00), and REVISED CONTRACT AMOUNT (\$263,792.00).

which alteration has been recommended in writing by the Director of Community Development, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Community Development and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$11,904.00 to be paid from Fund No. 19 SF 610, Request No. RQS 8006, RL 2010-181.

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.

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.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1027-10.

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

An emergency ordinance authorizing the Director of Public Utilities to transfer Permanent Parcel No. 129-05-048 located on Mt. Overlook Avenue to the control, possession, and use of the Department of Community Development for redevelopment purposes.

Approved by Directors of Public Utilities, Community Development, City Planning Commission, Finance, Law; Relieved of City Planning Committee; Passage recommended by Committees on Public Utilities, 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. 1056-10.

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

An emergency ordinance to amend Sections 188.01, 188.02 and 188.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by Ordinance No. 2031-A-02, passed June 10, 2003 and Ordinance No. 67-08, passed February 4, 2008,

relating to the Fannie M. Lewis Cleveland Resident Employment Law.

Approved by Directors of Office of Equal Opportunity, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Legislation, Finance, when amended, as follows:

1. In the title, at the end, strike the period and insert "; and to amend Section 187.20, as amended by Ordinance No. 77-08, passed February 4, 2008, relating to the Cleveland Area Business Code."

2. In Section 1, after line 2, insert the following:

"Section 187.20, as amended by Ordinance No. 77-08, passed February 4, 2008."

3. In Section 1, after line 7, insert the following:

"Section 187.20 Decision and Available Sanctions for Noncompliance

(a) Within five business days after the hearing required by Section 187.18, the Director shall issue and send by certified mail to the Contractor, findings of fact and a determination of compliance or non-compliance with the Code, the Regulations, or any Contract provisions concerning CSB, MBE, or FBE participation. If the Director determines that the Contractor is in compliance with the applicable provisions of the Code, the Director shall issue an appropriate certificate. If the Director determines that the Contractor is in default with respect to any rep-

resentation upon which it was awarded a certificate or contract or that the Contractor is not in compliance with the applicable provisions of the Code, the Regulations and any Contract provisions concerning CSB, MBE, or FBE participation, the Director, in addition to other remedies available with respect to the foregoing and other defaults under any Contract in question, may take any of the following actions:

(1) Cancel any existing certificate of employment compliance or withhold issuance of a certificate of employment compliance until the Contractor cures the default or complies fully with the applicable provisions of the Code, the Regulations, and any Contract provisions concerning CSB, MBE, or FBE participation;

(2) Recommend that the City withhold all or part of any payments due the Contractor until such time as the Contractor cures the default or is in full compliance with the applicable provisions of the Code, its Regulations and any Contract provisions concerning CSB, MBE, or FBE participation;

(3) Recommend that the City cancel the Contract and declare a forfeiture of any performance bond;

(4) Recommend that the Director of Law take such legal action, whether civil or criminal, as he deems appropriate;



(5) Recommend rescission of the Contract based upon a material breach of the Contract pertaining to CSB, MBE, or FBE participation;

(6) Recommend disqualification of a Bidder, Contractor, or other Business Enterprise from eligibility for providing goods or services to the City for a period not to exceed two (2) years; or

(7) Recommend a claim for payment of damages, including any liquidated damages specified in the Contract.

(b) Notwithstanding any other provision of this section, if the Director determines after an investigative hearing that the City has contracted with a Front Organization and/or that a Contractor has participated with a CSB, FBE, or MBE Contractor in activities that would create a Front Organization, then the Director shall:

(1) Decertify the Contractor and and/or Front Organization;

(2) Not permit the Contractor and/or Front Organization to be certified for a period of not less than one (1) year after a final determination; and

(3) Refer the matter to the City Prosecutor's office for appropriate action.

(c) A decision of the Director under this section is final and may be appealed to the Board of Zoning Appeals by filing a notice of appeal with the Board and a copy to the Director within 15 days of the decision. The Board of Zoning Appeals shall, after a hearing, determine whether the decision of the Director is arbitrary, capricious, or unreasonable. The decision of the Board of Zoning Appeals, in turn, may be reviewed by the Common Pleas Court of Cuyahoga County under Chapter 2506 of the Revised Code, or as otherwise provided by law."

4. In Section 1, at amended Section 188.05, strike division (d) in its entirety and insert:

"(d) A decision of the Director under this section is final and may be appealed to the Board of Zoning Appeals by filing a notice of appeal with the Board and a copy to the Director within 15 days of the decision. The Board of Zoning Appeals shall, after a hearing, determine whether the decision of the Director is arbitrary, capricious, or unreasonable. The decision of the Board of Zoning Appeals, in turn, may be reviewed by the Common Pleas Court of Cuyahoga County under Chapter 2506 of the Revised Code, or as otherwise provided by law."

5. In Section 2, after line 2, insert the following:

"Section 187.20, as amended by Ordinance No. 77-08, passed February 4, 2008,".

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.

**Ord. No. 1186-10.**

By Council Member Mitchell. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Alfred Fluker and Barbara Thompkins.

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. 1286-10.**

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

An emergency ordinance to amend Section 47 of Ordinance No. 947-08, passed June 9, 2008, as amended, relating to compensation for various classifications.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

**Ord. No. 1321-10.**

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

An emergency ordinance approving the Tax Incentive Review Council's Year 2009 recommendations.

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

1. In the first whereas clause, line 1; in the third whereas clause, line 1; and in the fourth whereas clause, line 1, strike "5709.88" and insert "5709.883" in all three places.

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.

**MOTION**

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



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

October 20, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 20, 2010, at 10:30 a.m. with Director Triozzi presiding.

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

Absent: Mayor Jackson.

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

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

**Resolution No. 431-10.**

By Director Withers.

Whereas, under the authority of Ordinance No. 735-08, passed by the Council of the City of Cleveland on June 9, 2008, and Resolution No. 128-09, adopted by this Board of Control on April 15, 2009, the City through its Director of Public Utilities, entered into Contract No. 69147 with Resource International, Inc. ("Consultant"), to provide professional services necessary to provide environmental, health, safety, sustainability and engineering services including but not limited to: employee health and safety services, environmental permit assistance, forensic investigations of water main failures, structural analyses, energy audits, air analyses, lead paint and mold sampling and analysis, residual analysis, and other related services, for a period not exceeding two years, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities for a fee of \$450,000.00; and

Whereas, Ordinance No. 735-08 authorizes this Board of Control to fix the compensation paid to Consultant; and

Whereas, the total compensation to be paid to Consultant for services rendered to Cleveland Public Power under Contract No. 69147 has been exhausted and the Division of Cleveland Public Power requires continued environmental permit assistance for year 2010; and

Whereas, the City desires to have Consultant perform environmental permit assistance for year 2010; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a first modification to Contract No. 69147 with Resource International, Inc. for certain environmental, health, safety, sustainability, and engineering services for various division of the Department of Public Utilities, to obtain environmental permit assistance for Cleveland Public Power for the year 2010 for a fee of \$20,000.00, thereby increasing the total compensation under Contract No. 69147 from \$450,000.00 to \$470,000.00. The first modification shall be prepared by the Director of Law and shall include such additional provisions as that Director deems necessary to benefit and protect the public interest.

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 432-10.**

By Director Smith.

Whereas, under the authority of Ordinance No. 1850-06, passed by

Cleveland City Council on April 2, 2007, and Board of Control Resolution No. 72-08, adopted February 6, 2008, the City through its Director of Port Control, entered into a Concession Agreement ("Agreement") with BAA USA, Inc., City Contract No. 67743, to manage all retail merchandise and food and beverage concessions at Cleveland Hopkins International Airport, including the remote rental car facility, and installation of one automated teller machine at Burke Lakefront Airport; and

Whereas, under the authority of Ordinance No. 1850-06, passed by the Council of the City of Cleveland on April 2, 2007, and Board of Control Resolution No. 386-08, adopted August 6, 2008, the City consented to the assignment of City Contract No. 67743 to BAA Cleveland, Inc. ("BAAC") effective April 1, 2008; and Whereas, by its September 13, 2010 letter, BAAC notified the City that it has changed its name to AIR-MALL Cleveland, Inc.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges BAAC's change of name from BAA Cleveland, Inc. to AIRMALL Cleveland, Inc., effective August 20, 2010, under City Contract No. 67743 to manage all retail merchandise and food and beverage concessions at Cleveland Hopkins International Airport, including the remote rental car facility, and installation of one automated teller machine at Burke Lakefront Airport.

Be it further resolved that the Director of Port Control is authorized to complete and execute all documents and do all acts necessary to effect the acknowledgement of such name change with respect to City Contract No. 67743.

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

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 433-10.**

By Director Smith.  
Whereas, under the authority of Ordinance No. 186-07, passed by Cleveland City Council on March 12, 2007, and Board of Control Resolution No. 396-09, adopted September 30, 2009, the City through its Director of Port Control, entered into a contract with Michael Baker, Jr., Inc., City Contract No. 69827, to provide professional services necessary to provide general engineering and architectural services for the various divisions of the Department of Port Control; and

Whereas, Resolution No. 396-09, adopted September 30, 2009, incorrectly identified Conservation Science, LLC as a "Non-DBE" subcontractant; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 396-09, adopted September 30, 2010, is amended by substituting "2.0% DBE" after Conservation Science, LLC for "2.0% Non-DBE".

Be it further resolved that all other terms of Resolution No. 396-09 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors

Cox, Rush, Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 434-10.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Independence Excavating, Inc., under City Contract No. 69549 for the public improvement of replacing or repairing existing lower roadways at Cleveland Hopkins International Airport, authorized by Ordinance No. 274-05, passed by the Council of the City of Cleveland on May 2, 2005, and Board of Control Resolution No. 324-09, adopted August 19, 2009, is approved.

Subcontractor	CSB/MBE/FBE %	Amount
Burkshire Construction Company, Inc.	2.58% CSB/FBE	\$ 16,280.00
Marissa Wilk and Associates, LLC	4.05% CSB/FBE	\$ 25,500.00
The Chas E. Phipps Company	3.68% CSB	\$ 23,173.00
The Fowler Company	18.99% Non CSB	\$119,450.00

Be it further resolved that the amounts attributed to the subcontractors approved in Board of Control Resolution No. 324-09, adopted by this Board on August 19, 2009, are amended as follows:

Subcontractor	CSB/MBE/FBE %	Amount
Cleveland Framing Solutions, LLC	21.64% CSB/FBE	\$136,158.00
Cook Paving & Construction Co., Inc.	0% CSB/MBE	\$ 19,309.00
United Ready Mix, Inc.	1.89% CSB/MBE	\$ 11,900.00
Interstate Safety & Service Company, Inc.	0.74% CSB/FBE	\$ 4,672.68
Kapton Caulking & Building Restoration	0.54% Non CSB/MBE/FBE	\$ 3,420.00

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

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 435-10.**

By Director Wasik.  
Whereas, on September 9, 2009, this Board of Control adopted Resolution No. 355-09 under the authority of Ordinance No. 450-09, passed June 8, 2009, approving Perk Co. as the lowest responsible bidder for the public improvement by requirement contract for repairing and constructing sidewalks, curbs, curb ramps, driveways, aprons, on streets authorized for the 2009 Concrete Requirements Contract, for the Division of Engineering and Construc-

tion, Department of Public Service; and

Whereas, Perk Co., City Contract No. 69758, wishes to use the services of an additional subcontractor; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Perk Co. for the public improvement of the 2009 Concrete Requirements Contract, City Contract No. 69758, is approved:

DiCillo Landscape Design  
Other — \$5,850.00

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

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 436-10.**

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 115-13-044 located at 1005 East 148th Street in Ward 10; and

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

Whereas, Pamela J. Hagler, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for green space; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Pamela J. Hagler for the sale and development of Permanent Parcel No. 115-13-044 located at 1005 East 148th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1,200.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 437-10.**

By Director Withers.

Whereas, under the authority of Ordinance No. 1037-07, passed by the Council of the City of Cleveland on August 8, 2007, and Resolution No. 333-10, adopted by this Board of Control on August 11, 2010, the City through its Director of Public Utilities, entered into Contract No. CT-2002-PS2010\*222 with Staffing Solutions Enterprises, Inc. to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System by rendering the professional services necessary to provide temporary staffing for, including but not limited to, answering incoming calls; making outgoing calls to customers; addressing customer complaints and/or concerns; handling the heavy telephone call volume; and scheduling appointments to check meters for possible leaks and final meter reads, for a period of 90 days with six options to renew for a one-month period, for the Division of Water, Department of Public Utilities; and

Whereas, the City has determined that up to 10 additional temporary employees are needed to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System; and

Whereas, Staffing Solutions Enterprises, Inc. has proposed by its Quotation of Temporary Services dated October 13, 2010 ("Proposal") to perform the above-described additional services for a fee of \$155,584.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a first modification to City Contract No. CT-2002-PS2010\*222 with Staffing Solutions Enterprises, Inc., to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System by rendering the professional services necessary to provide temporary staffing for, including but not limited to, answering incoming calls; making outgoing calls to customers; addressing customer complaints and/or concerns; handling the heavy telephone call volume; and scheduling appointments to check meters for possible leaks and final meter reads, for a period of 90 days with six options to renew for a one-month period, on the basis of Vendor's October 13, 2010 proposal, and increasing the contract amount by \$155,584.00 to \$598,400.00. The first modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

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

Nays: None.

Absent: Mayor Jackson.

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.

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS****MONDAY, NOVEMBER 8, 2010****9:30 A.M.**

**Calendar No. 10-195:** 3047 Prospect Avenue (Ward 8)

Z3 Properties, LLC, owner, appeals for a change of use from a fraternity house to offices an existing building on a 50' x 200' parcel in a General Retail Business District; subject to the requirements in Section 349.07(a), accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash; and porous paving detail is required.

**Calendar No. 10-196:** 8101 Pulaski Avenue (Ward 7)

Lorenzo Willis III, owner, Nellie Williams and Tyrone Glass, tenants, appeal to change an existing 2.5 story mixed use building to a day care center located on a 45' x 58.28' lot in a Multi-Family District; the proposed use first permitted in a Local Retail Business District and pursuant to Section 359.01 the substitution or other change in a non-conforming use to other than a conforming use shall be permitted by special permit from the Board of Zoning Appeals, issued only if the Board finds after public hearing that the proposed substitution or other change is no more harmful nor objectionable than the previous non-

conforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use in the type or number of persons to occupy or be attracted to the premises, or in any other characteristic of the new use as compared with the previous use.

**Calendar No. 10-197:** 18132 Marcella Road (Ward 11)

James Cvelbar, owner, appeals to erect a 17' x 37' frame garage barn on an irregular 50' x 536' parcel in an A1 One-Family District; contrary to Section 353.05 a building height of 29.8' is provided and an accessory building shall not exceed a height of 15 feet or the distance from the accessory building to a main building, or potential location of a main building, on an adjoining premises, whichever is less in a residence district.

**Calendar No. 10-203:** 11521 Clifton Boulevard (Ward 16)

Robert and Cynthia Forest appeal to build an addition to an existing gas station and store on a 90' x 90' parcel in a Local Retail Business District where the proposed addition to an existing nonconforming building and uses shall not be permitted except as a variance under the terms of Chapter 329, and no substitution nor other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful nor objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Section 359.01(a); non-conforming in use that is first permitted in a General Retail District and the absence of a landscaping/transition strip where the property abuts a Two-Family District.

**Calendar No. 10-208:** 12104 Brookfield Avenue (Ward 17)

Rosetta Douglas, owner, appeals to erect a 10-2' x 34' wheelchair ramp to the front of a one family dwelling on a 40' x 86.02' parcel in an A1 One-Family District and a wheelchair ramp is not a permitted encroachment in the front yard area according to Section 329.04(c)(1) of the Cleveland Codified Ordinances.

**10:30**

**Calendar No. 10-163:** 4931 State Road (Ward 13)

Ioannis Vasilakis, owner, and Moises Quintana, tenant, appeal for a change of use from motor vehicle repair to motor vehicle major repair, audio sound system installation, in a one-story building on a 41.67' x 105.64' corner parcel in a General Retail Business District; subject to the limitations of Section 343.11, motor vehicle major repair is not permitted and first permitted in a Semi-Industry District, provided that it is not less than 100 feet from a

residence district and the substitution of a nonconforming use requires the Board of Zoning Appeals approval in accordance with the provisions in Section 359.01(a) of the Cleveland Codified Ordinances. (Filed 9-2-10; testimony taken 10-4-10; rehearing request 10-8-10; rehearing granted 10-12-10.)

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, OCTOBER 25, 2010**

At the meeting of the Board of Zoning Appeals on Monday, October 25, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 10-187:** 11400 Euclid Avenue

Case Western Reserve University, owner, and the Museum of Contemporary Art, prospective lessee, appealed to construct a 4-story museum in a General Retail business District.

**Calendar No. 10-188:** 4129 East 169th Street

Marvin Johnson, Jr. appealed to erect a 21' x 26' one-story breezeway between a one family dwelling and a garage in an A1 One-Family District.

**Calendar No. 10-191:** 12645 Lorain Avenue

The Salvation Army appealed to construct a one-story addition and parking lot in a General Retail Business and One-Family Districts.

**Calendar No. 10-193:** 13400 Sherry Avenue

Timothy Gorey appealed to install 60 linear feet of 6 foot high vinyl privacy fence set back one foot from the side street yard property line in a One-Family District; subject to conditions.

**Calendar No. 10-129:** 4219 Orchard Avenue

Michael Rastatter appealed to erect a metal two-story single family residence in a Two-Family District.

The following appeal was **Withdrawn:**

**Calendar No. 10-183:** Violation Notice 2401 Meyer Avenue

Michael Ferrante, owner, and Leoncio Espinal, tenant, appealed from a Notice of Violation issued by the Department of Building and Housing.

The following appeals were **Postponed:**

**Calendar No. 10-192:** 4724 West 130th Street postponed to November 8, 2010.

**Calendar No. 10-162:** 2141 Broadview Road postponement to November 15, 2010, continued until final passage of ordinance regulation.

The following appeals heard by the Board on October 18, 2010 were adopted and approved on October 25, 2010.

The following appeals were **Approved:**

**Calendar No. 10-67:** 2388 West 6th Street

Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

**Calendar No. 10-68:** 2379 West 7th Street

Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

**Calendar No. 10-69:** 2382 West 6th Street

Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

**Calendar No. 10-70:** 2387 West 7th Street

Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

**Calendar No. 10-177:** 15610 Lakeshore Boulevard

John Daher, owner, and Jack DiCocco d.b.a. American Pride Car Wash, prospective purchaser, appealed to build an addition to a one-story building and change the use to an automatic car wash in a C1 Shopping Center District.

**Calendar No. 10-155:** 5905 Thackeray Avenue

City of Cleveland, owner, and Department of Community Development appealed to install 254 linear feet of 6 foot high chain link fence on one of three contiguous parcels in a Multi-Family District; subject to condition.

**Calendar No. 10-156:** 5911 Thackeray Avenue

City of Cleveland, owner, and Department of Community Development appealed to install 100 linear feet of 6 foot high chain link fence on one of three contiguous parcels in a Multi-Family District; subject to condition.

**Calendar No. 10-157:** 5917 Thackeray Avenue

City of Cleveland, owner and Department of Community Development appealed to install 254 linear feet of 6 foot high chain link fence on one of three contiguous parcels in a Multi-Family District; subject to condition.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

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

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the

Codified Ordinances of the City of Cleveland, that the Cleveland City Records Commission will hold a public meeting on Wednesday, November 3, 2010 at 1:00 PM in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

October 20, 2010 and October 27, 2010

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

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

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that 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, NOVEMBER 18, 2010**

**File No. 157-2010 — Kirtland-Baldwin Raw Water Main Cathodic Protection System, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 444-10 passed by the Council of the City of Cleveland, June 7, 2010.**

**THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND**

SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, OCTOBER 28, 2010 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, MAIN AUDITORIUM, 1ST FLOOR, CLEVELAND, OHIO 44114.

October 20, 2010 and October 27, 2010

**WEDNESDAY, DECEMBER 1, 2010**

**File No. 168-2010 — LED Lamps**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 829-10, passed by the Council of the City of Cleveland, August 18, 2010.

THERE WILL BE A **MANDATORY** PRE-BID MEETING WEDNESDAY, NOVEMBER 3, 2010 AT 1:00 P.M. THE CLEVELAND PUBLIC POWER MAIN OFFICE, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

October 20, 2010 and October 27, 2010

**WEDNESDAY, NOVEMBER 17, 2010**

**File No. 169-2010 — Kerruish Park Site Improvements, Phase Three**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 597-09, passed by the Council of the City of Cleveland, June 8, 2009.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, NOVEMBER 4, 2010 AT 10:00 A.M. THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

October 27, 2010 and November 3, 2010

**THURSDAY, NOVEMBER 18 2010**

**File No. 171-2010 — Aviation Maintenance**, for the Division of Police, Department of Public Safety, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 8, 2010 AT 10:00 A.M. THE AVIATION UNIT, 1501 NORTH MARGINAL ROAD, ROOM 108, CLEVELAND, OHIO 44114.

**File No. 173-2010 — Labor and Materials Necessary to Clean Existing Escalators and Moving Sidewalks**, for the Division of Cleveland Hopkins Airport Port, 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, NOVEMBER 5, 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.

**File No. 174-2010 — Labor and Materials Necessary to Design, Fabricate and Assemble a Modular, Transit Style Smoking Shelter**, for the Division of Cleveland Hopkins Airport Port, 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, NOVEMBER 10, 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.

**File No. 175-2010 — Various Vehicle and Equipment Anti-Freeze Coolant**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 8, 2010 AT 10:30 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**File No. 176-2010 — Various Cummins Engine Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 8, 2010 AT 11:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**FRIDAY, NOVEMBER 19, 2010**

**File No. 172-2010 — Wire, Cable and Accessories**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, NOVEMBER 5, 2010 AT 11:00 A.M. THE CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 27, 2010 and November 3, 2010

**WEDNESDAY, DECEMBER 29, 2010**

**File No. 170-2010 — Runway 10-28 Safety Area Improvements, Phase III - Runway 10 End WBS NO: A1-E233-3**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 589-09 and 498-10, passed by the Council of the City of Cleveland, June 1, 2009 and May 10, 2010, respectively.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWO HUNDRED FIFTY DOLLARS (\$250.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED). THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, NOVEMBER 10, 2010 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 27, 2010 and November 3, 2010

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1487-09.**  
By Council Members Cimperman, Brady and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of East 3rd Street and a portion of Summit Avenue N.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 3rd Street and a portion of Summit Avenue N.E., as described; and

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

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

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

East 3rd Street (99 feet wide)  
Being all that portion of East 3rd Street (99 feet wide) extending northerly from the northerly right of way of St. Clair Avenue N.E. (99 feet wide) to its northerly terminus.

Summit Avenue N.E. (80 feet wide)  
Being all that portion of Summit Avenue N.E. (80 feet wide) extending westerly from that portion of Summit Avenue N.E. (80 feet wide) vacated by ordinance number 1276-57 passed June 10, 1957 to that portion of Summit Avenue N.E. (80 feet wide) vacated by ordinance number 911-58 passed April 21, 1958.

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

**Section 2.** That this resolution is declared to be an emergency measure and, provided it receives the

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

Adopted October 18, 2010.

Effective October 21, 2010.

**Res. No. 1032-10.**

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

**An emergency resolution declaring the intent to vacate a portion of Stanhope Court N.W. (12 feet wide).**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Stanhope Court N.W. (12 feet wide), as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Stanhope Court N.W. (12 feet wide) extending westerly from the westerly line of West 93rd Street (50 feet wide) to the easterly portion of Stanhope Court N.W. (12 feet wide) vacated by ordinance number 2022-77 passed March 20, 1978.

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

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

Adopted October 18, 2010.

Effective October 21, 2010.

**Res. No. 1369-10.**

**By Council Member K. Johnson.**

**An emergency resolution urging the president of the New York Community Bank to reconsider closing the Ohio Savings Bank branch located at the corner of Larchmere and North Moreland Boulevards in the Shaker Square neighborhood.**

Whereas, New York Community Bank has announced its intention to close the Ohio Savings Bank branch located at the corner of Larchmere and North Moreland Boulevards just off Shaker Square on December 10, 2010; and

Whereas, losing this bank branch would be a major blow to the Shaker Square community, as closing it will leave no Ohio Savings Bank presence between Cleveland Heights and East 9th Street in Cleveland; and

Whereas, the Shaker Square community includes a large concentration of residential units as well as merchants and nearly all rely on this bank branch for their banking needs and closing this branch will cause unnecessary hardship on the Shaker Square community; and

Whereas, in addition, closing this bank branch means employees of the branch would lose their jobs further eroding our economy and would leave the beautiful corner building vacant implying the unwanted image of urban blight; and

Whereas, Ohio Savings Bank, is currently owned by the "New York Community Bank" out of Westbury New York - an ironic name as this "community bank" is choosing to close a branch located in and a part of one of the most unique and thriving communities in the City of Cleveland; and

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

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

**Section 1.** That this Council hereby urges the president of the New York Community Bank to reconsider closing the Ohio Savings Bank branch located at the corner of Larchmere and North Moreland Boulevards in the Shaker Square neighborhood.

**Section 2.** That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to Joseph Ficalora, President, New York Community Bank, 615 Merrick Avenue, Westbury, New York 11590.

**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 October 18, 2010.

Effective October 21, 2010.

**Res. No. 1370-10.**

**By Council Members Cummins and Kelley.**

**An emergency resolution supporting the Big Creek Watershed Balanced Growth Plan and the Priority Development Areas and Priority Conservation Areas identified therein.**

Whereas, the State of Ohio, through the Ohio Lake Erie Commission's Balanced Growth Program, has identified the need to enhance protection of the State's waters and Lake Erie by supporting local governments to improve planning for development and conservation; and

Whereas, Big Creek is an important part of the Cuyahoga River and Lake Erie ecosystem, providing storm water management, and important recreational opportunities and wildlife habitat, including Cleveland Metroparks resources; and

Whereas, the Cuyahoga River Community Planning Organization developed the *Big Creek Watershed Plan - Balanced Growth and Watershed Stewardship* that identifies priority areas for conservation and development through local government participation in the big Creek watershed communities; and

Whereas, S, the Cuyahoga river Community Planning Organization is seeking endorsement of this *Big Creek Watershed Balanced Growth Plan* by the Ohio Lake Erie Commission in order to permit the local governments in the watershed to seek the benefits and incentives provided by this endorsement; and

Whereas, the Priority Development Areas and the Priority Conservation Areas identified in the *Big Creek Watershed Plan - Balanced Growth and Watershed Stewardship* are to be used by State of Ohio Agencies to guide State activities and programs affecting these areas and they will serve as the basis for special incentives programs to be directed to the Big Creek watershed communities; and

Whereas, the designation of such areas will assist the City of Cleveland to minimize future flooding, erosion, and water quality problems, threats to infrastructure, and reliance on costly engineered solutions to storm water problems; and

Whereas, the Cuyahoga River Community Planning Organization is requested to assist the Friends of Big Creek and seek endorsement of this *Balanced Growth Watershed plan* by the Ohio Lake Erie Commission in order to permit the local governments in the watershed to seek benefits and incentives provided by this endorsement; and

Whereas, Cleveland's City Planning Commission adopted the *Balanced Growth Watershed plan* on June 18, 2010; and

Whereas, the City of Cleveland will consider changes to its regulations and policies necessary to implement Priority Conservation Areas and Priority Development Areas and to act on the findings of additional natural resources and land use data, all to the maximum extent possible; and

Whereas, the City of Cleveland will support and work collaboratively with the Friends of Big Creek and the Cuyahoga River Community Planning Organization; 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 supports the *Big Creek Watershed Balance Growth Plan* and the *Priority Development Areas* and *Priority Conservation Areas* identified therein.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Friends of Big Creek, the Cuyahoga River Community Planning Organization, Bob Brown, Director, City Planning Commission, and Mayor Jackson.

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

Adopted October 18, 2010.

Awaiting approval or disapproval of the Mayor.

**Res. No. 1371-10.**

**By Council Member Polensek.**

**An emergency resolution urging the Department of Public Safety to coordinate with the Cleveland Municipal School District to address the crisis of absenteeism in Cleveland schools by increased enforcement of our City laws that require children of compulsory school age to be in attendance at school and impose parental duties.**

Whereas, a month into this school year, 16 percent of the 45,000-plus students in Cleveland schools were absent or late; and

Whereas, the absentee rates are even higher at Cleveland high schools, where 21.4 percent of students were absent at Collinwood High School, 21 percent were absent at East Tech High School with nearly 40 percent absent at one of four independent small schools operating within East Tech, and 18.5 percent of students were absent from John F. Kennedy High School with the percentage increasing to 37 percent when including those tardy or absent; and

Whereas, this Council supports the efforts of Cleveland Municipal School District to raise attendance through a new initiative called Target 11 that includes notifying and contacting homes of absent students; and

Whereas, in addition to jeopardizing education, having large numbers of unsupervised absent students roaming the streets raises the crime level in the community; and

Whereas, the Department of Public Safety in coordination with the School District can help address this crisis of absenteeism by increased enforcement of our City laws that require children of compulsory school age to be in attendance at school and impose parental duties; and

Whereas, Cleveland Codified Ordinance Section 605.141 (a) forbids any child

between the ages of six and seventeen from being at any place within the City other than in attendance at school between the hours of 10:00 a.m. and 2:30 p.m. during any school day, unless the child is suspended or expelled, has written proof from school excusing him, or is accompanied by a parent, legal guardian, or responsible adult selected by the parent or legal guardian; and

Whereas, Sections 605.141(b) and (g) impose a duty on parents and legal guardians of school-age children to prohibit the child from behaving contrary to division (a),

and if any person violates this duty, her is guilty of negligently failing to supervise a child of compulsory school age, a misdemeanor of the fourth degree for the first offense; and

Whereas, Section 605.142 (a) and (g) places a duty on each parent or legal guardian of a child suspended or expelled from school to personally supervise the child or arrange for a responsible adult to supervise the child, and prohibit the child from being at any public place at the time the child would have been in school, except under specific listed circumstances, and subjects them to a misdemeanor of the second degree for violating this duty; and

Whereas, stricter enforcement of these City laws will deter excessive absenteeism from school and juvenile crime during school hours; and

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

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

**Section 1.** That this Council hereby urges the Department of Public Safety to coordinate with the Cleveland Municipal School District to address the crisis of absenteeism in Cleveland schools by increasing enforcement of our City laws that require children of compulsory school age to be in attendance at school and impose parental duties.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Director Flask, Department of Public Safety, Eugene Sanders, CEO, Cleveland Municipal School District, and Mayor Jackson.

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

Adopted October 18, 2010.

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

**Res. No. 1372-10.**

**By Council Member Brady.**

**An emergency resolution objecting to the transfer of Liquor License of a C2 and C2X Liquor Permit at 3654 West 117th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 and C2X Liquor Permit from Serv A Rack, Inc., DBA Dave's Discount, 6723 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 79892400005 to Crystalluksw117, Inc., 3654 West 117th Street, Cleveland, Ohio 44111, Permanent Number 1841958; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a transfer of Liquor License of a C2 and C2X Liquor Permit from Serv A Rack, Inc., DBA Dave's Discount, 6723 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 79892400005 to Crystalluksw117, Inc., 3654 West 117th Street, Cleveland, Ohio 44111, Permanent Number 1841958, 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 October 18, 2010.

Effective October 21, 2010.

**Res. No. 1373-10.**

**By Council Member Cimperman.**

**An emergency resolution objecting to the transfer of Liquor License of a D1, D2, D3, and D3A and D6 Liquor Permit to 1301 East 9th Street.**

Whereas, Council has been notified by the Department of Liquor

Control of an application for a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Almont, Inc., 8309 Madison Avenue, 1st & 2nd floors, Cleveland, Ohio 44102, Permanent Number 0142976 to Daniel M. Miller, Inc., 1301 East 9th Street, Cleveland, Ohio 44114, Permanent Number 1918454; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Almont, Inc., 8309 Madison Avenue, 1st & 2nd floors, Cleveland, Ohio 44102, Permanent Number 0142976 to Daniel M. Miller, Inc., 1301 East 9th Street, Cleveland, Ohio 44114, Permanent Number 1918454, 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 October 18, 2010.

Effective October 21, 2010.

**Res. No. 1374-10.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue & Basement and repealing Resolution No. 1115-10, objecting to said renewal**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue & Basement by Resolution No. 1115-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue & Basement, Cleveland, Ohio 44114, Permanent Number 2779680 be and the same is hereby withdrawn and Resolution No. 1115-05, 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 October 18, 2010.

Effective October 21, 2010.

**Res. No. 1375-10.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D6, and New D3A Liquor Permit at 75 Public Square, Unit 101, 1st floor rear, and repealing Resolution No. 942-10, objecting to said transfer and new permit.**

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D6 and New D3A Liquor Permit to Prime 75, Inc., 75 Public Square, Unit 101, 1st floor rear, Cleveland, Ohio 44113, Permanent No. 7085792, by Resolution No. 942-10 adopted by the Council on July 14, 2010; and

Whereas, this Council wishes to withdraw its objections to the above transfer and new permit and consents to said transfer; and

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

a municipal department; now, therefore,

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

**Section 1.** That objections to a D1, D2, D3 and D6 and New D3A Liquor Permit to Prime 75, Inc., 75 Public Square, Unit 101, 1st floor rear, Cleveland, Ohio 44113, Permanent Number 7085792, be and the same is hereby withdrawn and Resolution No. 942-10, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 18, 2010.

Effective October 21, 2010.

**Res. No. 1376-10.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the transfer of Liquor License of a C2 and C2X Liquor Permit at 7002 Cedar Avenue, and repealing Resolution No. 1063-10, objecting to said transfer.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 7002 Cedar Avenue by Resolution No. 1063-10 adopted by the Council on August 18, 2010; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Cedarcrest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1350137 be and the same is hereby withdrawn and Resolution No. 1063-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 18, 2010.

Effective October 21, 2010.

**Res. No. 1377-10.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the Transfer of**



**Ownership of a D1 and D2 and the Liquor Agency Contract located at 7401-05 Central Avenue and repealing Resolution No. 1088-10, objecting to said renewal.**

Whereas, this Council objected to the Transfer of Ownership of a D1 and D2 and the Liquor Agency Contract located at Gurdev, Inc., DBA Deeps State Liquor & Market, 7401-05 Central Avenue and basement, Cleveland, Ohio 44104, Permanent Number 3452641 by Resolution No. 1088-10 adopted by the Council on August 18, 2010; and

Whereas, this Council wishes to withdraw its objections to the above permit and Liquor Agency Contract 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 objections to the Transfer of Ownership and the Liquor Agency Contract located at Gurdev, Inc., DBA Deeps State Liquor & Market, 7401-05 Central Avenue and basement, Cleveland, Ohio 44104, Permanent Number 3452641, be and the same is hereby withdrawn and Resolution No. 1088-10, containing such objections, 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 October 18, 2010.

Effective October 21, 2010.

**Res. No. 1378-10.**

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3560 East 93rd Street and repealing Resolution No. 944-10, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to Kirksey, Inc., DBA Hank's, 3560 East 9rd Street by Resolution No. 944-10 adopted by the Council on July 14, 2010; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Kirksey, Inc., DBA Hank's, 3560 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 46687270001 be and the same is hereby withdrawn and Resolution No.

944-10, 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 October 18, 2010.

Effective October 21, 2010.

**Res. No. 1379-10.**

**By Council Member Reed.**

**An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 4005-07 East 131st Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit from Yar Rum, Inc., 4005-07 East 131st Street, Cleveland, Ohio 44105, Permanent Number 9819313 to Kitt, LLC, 4005-07 East 131st Street, Cleveland, Ohio 44105, Permanent Number 4685380; 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 D2, D2X, D3

and D3A Liquor Permit from Yar Rum, Inc., 4005-07 East 131st Street, Cleveland, Ohio 44105, Permanent Number 9819313 to Kitt, LLC, 4005-07 East 131st Street, Cleveland, Ohio 44105, Permanent Number 4685380; 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 October 18, 2010.

Effective October 21, 2010.

**Res. No. 1381-10.**

**By Council Member Zone.**

**An emergency resolution withdrawing objection to a New C1, Transfer of Ownership of a C1 and C2 and the Renewal at 5110 Clark Avenue and repealing Resolution Nos. 1266-10, 1267-10 and 958-10, objecting to said permits.**

Whereas, this Council objected to a New C1, Transfer of Ownership of a C1 and C2 and the Renewal at 5110 Clark Avenue by Resolution Nos. 1266-10, 1267-10 and 958-10, adopted by the Council on September 20, 2010; and

Whereas, this Council wishes to withdraw its objections to the above permits and consents to said permits; 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, Transfer of Ownership of a C1 and C2 and the Renewal at Clark Petroleum, LLC, 5110 Clair Avenue, Cleveland, Ohio 44102, Permanent Numbers 15255190005, 1525519 and 98723320005, be and the same is hereby withdrawn and Resolution Nos. 1266-10, 1267-10 and 958-10, containing such objections, 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 October 18, 2010.

Effective October 21, 2010.

**Ord. No. 730-10.**

**By Council Member Cimperman.**

**An ordinance changing the Use District of lands on the south side of Holmden Avenue to Two Family Residential District (Map Change No. 2310; Sheet No. 5).**

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

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

Beginning at the intersection of the centerline of West 14th Street with the centerline of Holmden Avenue;  
Thence Easterly along said centerline of Holmden Avenue to its intersection with the Northerly prolongation of a Easterly line of Parcel "B" in the Lot Split and Consolidation Plat of Permanent Parcel Numbers 08-13-029, 030 and 031 of part of Lot No. 72 in Brooklyn Township as shown on the plat recorded in Volume 353, Page 48 of Cuyahoga County Map Records;

Thence Southerly along said Easterly line of Parcel "B" and its Northerly prolongation to a Southeasterly line thereof;

Thence Southwesterly along the Southeasterly lines of Parcel "B" to the Easterly line of Parcel "AA" in said Lot Split and Consolidation Plat of Permanent Parcel Numbers 08-13-029, 030 and 031;

Thence Southerly along said Easterly line of Parcel "AA" to the centerline of an unnamed alleyway, part now vacated;

Thence Westerly along said centerline of an unnamed alleyway, part now vacated to its intersection with the southerly prolongation of the westerly line of Sublot No. 26 in the Nicola & Judson Subdivision shown on the recorded plat in Volume 5, Page 7 of Cuyahoga County Map Records;

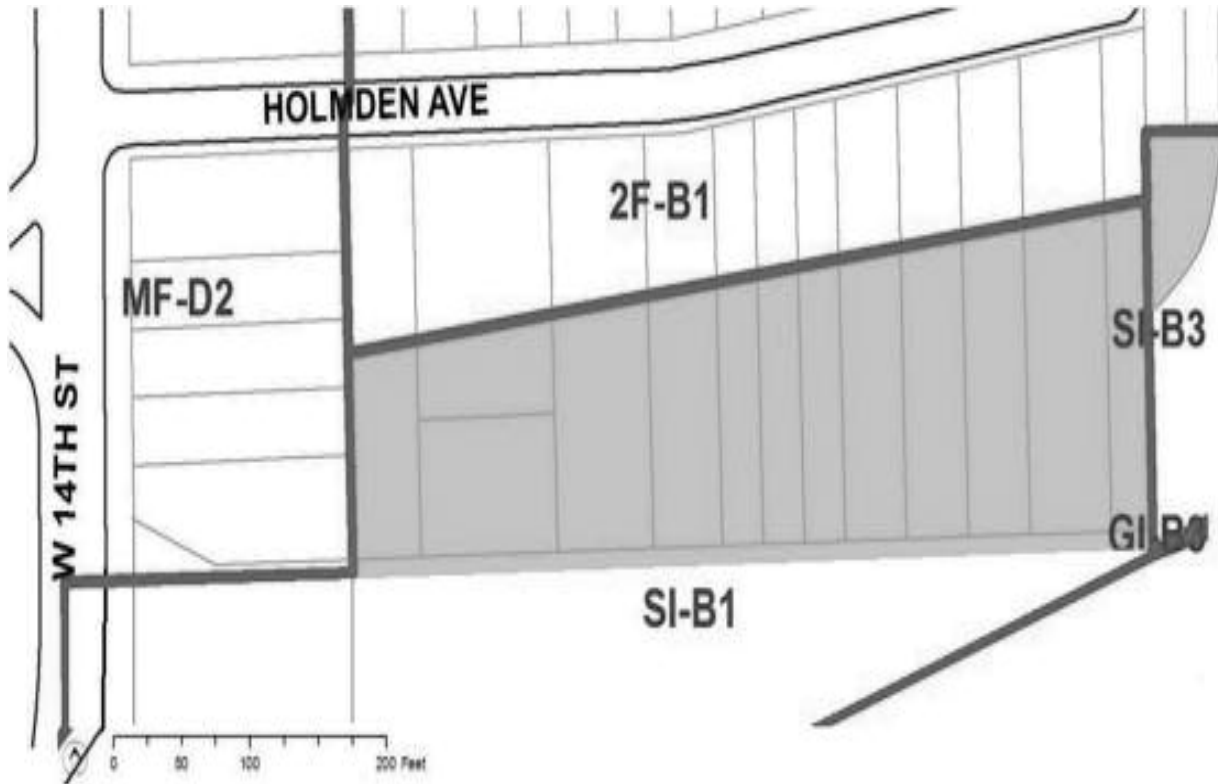
Thence Northerly along said westerly line and northerly prolongation to its intersection with the centerline of Holmden Avenue;

Thence westerly along said centerline of Holmden Avenue to its intersection with the centerline of West 14th Street and the principal place of beginning,

and as shaded on the attached map is changed to a Two Family Residential District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2310, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



# AREA TO BE REZONED TWO-FAMILY

Passed October 18, 2010.  
Effective November 17, 2010.

**Ord. No. 732-10.**

**By Council Member Cimperman.**

**An ordinance changing the Use District of lands at the intersection of Professor St. & Starkweather Ave. shown shaded on the attached map to Local Retail Business (Map Change No. 2314; Sheet No. 5).**

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

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

Beginning at the intersection of the centerline of Starkweather Avenue with the centerline of Professor Street; Thence Southerly along said centerline of Professor Street to its intersection with the Easterly prolongation with the Northerly line of land conveyed to Loren Naji by deed recorded in Auditor's File Number 200508310736 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 004-22-176;

Thence Westerly along said Northerly line of land conveyed to Loren Naji and its Easterly prolongation to the Easterly line of land conveyed to Carolyn N. Cahlik by deed recorded in Auditor's File Number 200709250156 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 004-22-170;

Thence Northerly along said Easterly line of land conveyed to Carolyn N. Cahlik to a Southerly line of the Combination Parcel in the Consolidation Plat for the Cleveland Housing Network of part of Lot No. 86 in Brooklyn Township as shown on the plat recorded in Volume 312, Page 6 of Cuyahoga County Map Records;

Thence Westerly along said Southerly line of the Combination Parcel in the Consolidation Plat for the Cleveland Housing Network to a Westerly line thereof;

Thence Northerly along said Westerly line of Combination Parcel in the Consolidation Plat for the Cleveland Housing Network to a Southerly line of Parcel K in the Consolidation Survey for Sutton Builders, LLC of part of Lot No. 86 in Brooklyn Township as shown on the plat recorded in Volume 351, Page 95 of Cuyahoga County Map Records;

Thence Westerly along said Southerly line Parcel K to an Easterly line thereof;

Thence Southerly along said Easterly line of Parcel K and its Southerly prolongation to its intersection with the centerline of Brayton Avenue;

Thence Westerly along said centerline of Brayton Avenue to its intersection with the Southerly prolongation of a Westerly line of said Parcel K;

Thence Northerly along said Westerly line of said Parcel K, its Southerly prolongation and its Northerly prolongation to its intersection with the centerline of Starkweather Avenue;

Thence Westerly along said centerline of Starkweather Avenue to its intersection with the Southwesterly prolongation of the Southeasterly line of land conveyed to Harry Heidenreich, Jr. by deed recorded in Volume 96-02014, Page 58 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 004-17-056;

Thence Northeasterly along said Southeasterly line of land conveyed to Harry Heidenreich, Jr., its Southwesterly prolongation and the Southeasterly line of land conveyed to Aurora Loan Services, LLC by deed recorded in Auditor's File Number 200910131633 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 004-17-096 and its Northeasterly prolongation to its intersection with the centerline of Professor Street;

Thence Southeasterly along said centerline of Professor Street to its intersection with the centerline of Starkweather Avenue;

Thence Easterly along said centerline of Starkweather Avenue to the principal place of beginning, and as shaded on the attached map is changed to a Local Retail Business District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2314, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



**AREA TO BE REZONED  
LOCAL RETAIL**

Passed October 18, 2010.  
Effective November 17, 2010.

**Ord. No. 733-10.**

**By Council Member Cimperman.**

**An ordinance changing the Use District of lands bounded by Kenilworth Ave., Starkweather Ave., West 11th St. and W. 14th St., shown shaded on the attached map, to an Open Space and Recreation District (Map Change No. 2311; Sheet No. 5).**

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

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

Beginning at the intersection of the centerline of West 14th Street with the centerline of Kenilworth Avenue; Thence Easterly along said centerline of Kenilworth Avenue to its intersection with the centerline of West 11th Street;

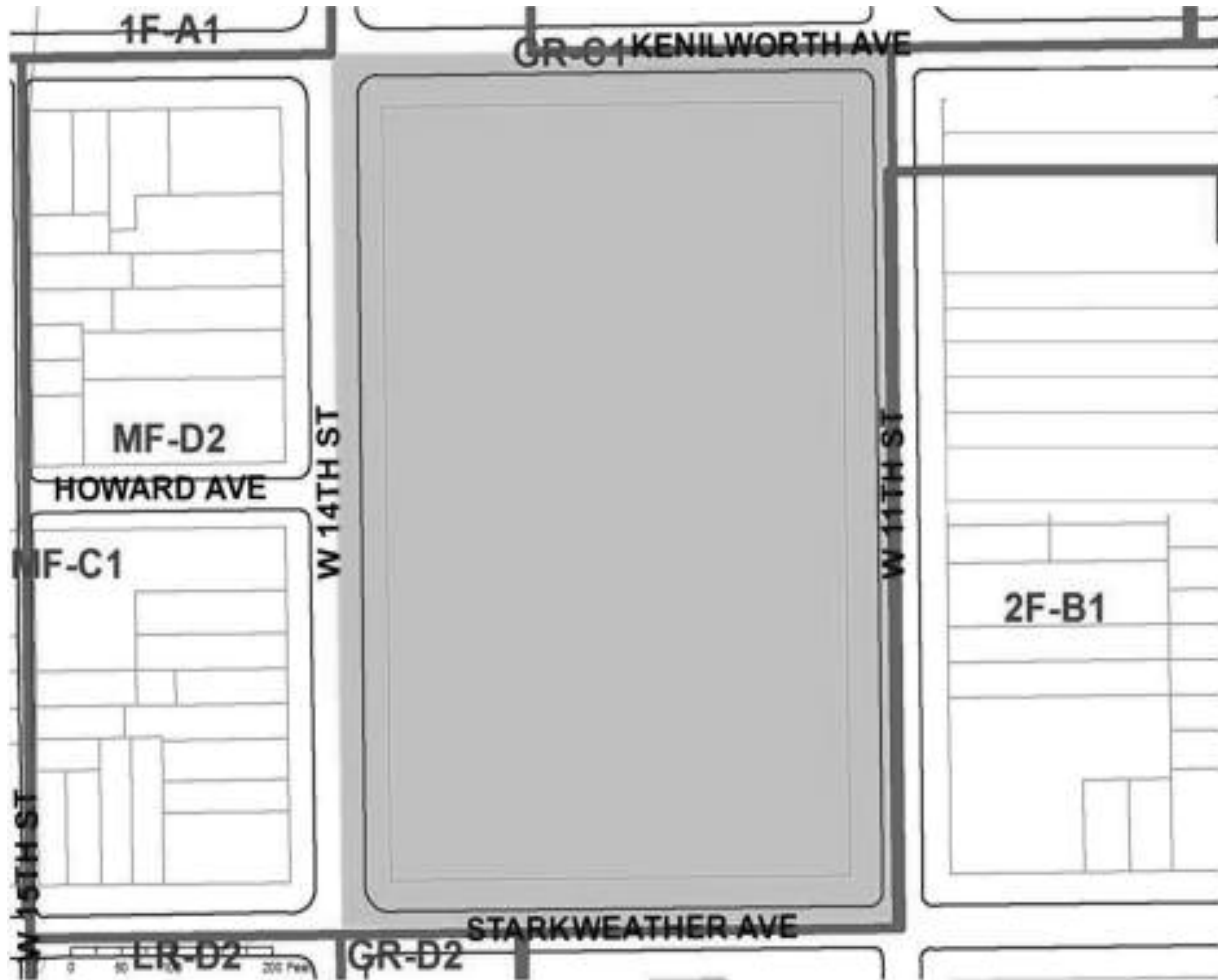
Thence Southerly along said centerline of West 11th Street to its intersection with the centerline of Starkweather Avenue;

Thence Westerly along said centerline of Starkweather Avenue to its intersection with the centerline of West 14th Street;

Thence Northerly along said centerline of West 14th Street to the principal place of beginning, and as shaded on the attached map is changed to an Open Space and Recreation District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2311, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



# AREA TO BE REZONED OPEN SPACE AND RECREATION

Passed October 18, 2010.  
Effective November 17, 2010.

**Ord. No. 734-10.**

**By Council Member Cimperman.**

**An ordinance changing the Use District of lands known as City of Cleveland's Clark Field recreation site including land at I490 and Quigley Roads, shown shaded on the attached map to an Open Space and Recreation District (Map Change No. 2312; Sheet No. 5).**

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

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

Beginning at the intersection of the centerline of West 14th Street with the centerline of Holmden Avenue;

Thence Easterly along said centerline of Holmden Avenue to its intersection with the Northerly prolongation of a Easterly line of Parcel "B" in the Lot Split and Consolidation Plat of Permanent Parcel Numbers 08-13-029, 030 and 031 of part of Lot No. 72 in Brooklyn Township as shown on the plat recorded in Volume 353, Page 48 of Cuyahoga County Map Records;

Thence Southerly along said Easterly line of Parcel "B" and its Northerly prolongation to a Southeasterly line thereof;

Thence Southwesterly along the Southeasterly lines of Parcel "B" to the Easterly line of Parcel "AA" in said Lot Split and Consolidation Plat of Permanent Parcel Numbers 08-13-029, 030 and 031;

Thence Southerly along said Easterly line of Parcel "AA" to the centerline of an unnamed alleyway, part now vacated;

Thence Westerly along said centerline of an unnamed alleyway, part now vacated to its intersection with the southerly prolongation of the westerly line of Sublot No. 26 in the Nicola & Judson Subdivision shown on the recorded plat in Volume 5, Page 7 of Cuyahoga County Map Records;

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

Thence westerly along said centerline of Holmden Avenue to its intersection with the centerline of West 14th Street and the principal place of beginning,

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

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2312, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



# AREA TO BE REZONED OPEN SPACE AND RECREATION

Passed October 18, 2010.  
Effective November 17, 2010.

**Ord. No. 1024-10.**  
**By Council Members K. Johnson, Miller, Cleveland and Sweeney (by request).**

**An emergency ordinance to vacate a portion of East 104th Street.**

Whereas, under Resolution No. 1352-08, adopted November 9, 2009 this Council declared its intent to vacate a portion of East 104th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 13, 2010 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of East 104th Street (50 ft. wide) extending Southerly from the Southerly line of Park Heights Road S.E. (40 ft. wide) to its Southerly terminus.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of 20 feet in width along the center line as described above for Cleveland Safety Departments, Fire, Police and EMS for ingress/egress with unobstructed signage. That there is reserved to Dominion East Ohio Gas an easement of full width.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Dominion East Ohio Gas, and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

**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 October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1025-10.**  
**By Council Members Kelley and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program, for a period of one year, with one option to renew, exercisable by the Director of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program on the basis of its proposal emailed on July 30, 2010, in the total sum of \$139,472, for the Department of Public Utilities, for a period of one year, with one option to renew, exercisable by the Director of Public Utilities. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. RQS 2002 RL 2010-150.

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

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1026-10.**  
**By Council Members Kelley and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide services necessary to design, layout, produce, and distribute 2010 and 2011 annual reports and other customer public information and promotional materials, for the various divisions of the Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to 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, layout, produce, and distribute 2010 and 2011 annual reports and other customer public information and promotional materials, including but not limited to writing, photography and artwork offset lithographic reproduction, for the various divisions of the Department of Public Utilities.

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

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002 RL 2010-151.

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

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1028-10.**  
**By Council Members Kelley and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cuyahoga Community College to participate in the development of TRI-C's Smart Grid Technology training program.**

Whereas, "Smart Grid Technology" integrates enhanced communications and computer technology into the nation's electric distribution grid; and

Whereas, Cuyahoga Community College ("TRI-C") has been awarded a grant from the U.S. Department of Energy for a three-year project to develop a curriculum to upgrade skills needed to implement Smart Grid Technology; and

Whereas, TRI-C seeks to develop training for workers in the electric utility industry who will construct, operate and maintain the Smart Grid; and

Whereas, TRI-C has requested Cleveland Public Power to assist in this effort by identifying key City personnel to be trained, reviewing TRI-C's curriculum and making recommendations to it, assisting TRI-C in conducting training classes, and providing data to TRI-C for their grant reporting purposes, and for

the City's participation, TRI-C will provide compensation to the City in an amount up to \$125,000 for the entire three-year term; and

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more agreements with Cuyahoga Community College ("TRI-C") to compensate the City of Cleveland for its participation in Smart Grid Technology training over a period of three years, in an amount not to exceed \$125,000.

**Section 2.** That the compensation received under this ordinance shall be deposited into the fund or funds deemed appropriate by the Director of Finance.

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

Passed October 18, 2010.  
Effective October 21, 2010.

ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

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

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

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

Passed October 18, 2010.  
Effective October 21, 2010.

ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

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

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

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

Passed October 18, 2010.  
Effective October 21, 2010.

**Ord. No. 1030-10.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ohio Technical College to encroach into the public right-of-way of 1374 East 51st Street by installing, using, and maintaining an entrance canopy and two support posts.

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 Ohio Technical College, 1374 East 51st Street, Cleveland, Ohio 44103 ("Permittee"), to encroach into the public right-of-way of 1374 East 51st Street by installing, using, and maintaining an entrance canopy and two support posts at the following location:

Located at the entrance of 1374 East 51st Street, canopy is 8.33 feet wide in front, 3.5 feet in height and encroaching into the right of way 12.83 feet. Canopy has a minimum clearance height above sidewalk of 8.0 feet and is supported by building and two 2-inch square posts.

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

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structures permitted by this

**Ord. No. 1031-10.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Historic Warehouse District Development Corporation to encroach into the public right-of-way of the west side of West 6th Street between Frankfort Avenue and St. Clair Avenue by installing, using, and maintaining steel railings around 7 existing planting beds.

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 Historic Warehouse District Development Corporation, 614 West Superior Avenue, Suite 680, Cleveland, Ohio 44113 ("Permittee"), to encroach into the public right-of-way of the west side of West 6th Street between Frankfort Avenue and St. Clair Avenue by installing, using, and maintaining steel railings around 7 existing planting beds at the following location: 10 feet by 5 feet planting beds located along the west sidewalk of West 6th Street between Frankfort Ave and St. Clair Avenue, maintaining 6 feet of unobstructed sidewalk at all places alongside the encroachment area.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structures permitted by this

**Ord. No. 1034-10.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Servisair USA, Inc. for the lease of office space at Cleveland Hopkins International Airport for office and storage space to support ground handling operation services, for the Department of Port Control, for a period of two years, with one option to renew for an additional one-year period and a second option to renew for approximately sixteen additional months, the first option 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 Port Control is authorized to enter into a Lease Agreement ("Lease") with Servisair USA, Inc. ("Lessee") for use and occupancy of approximately 316 square feet of office space located on the apron level of Concourse "A" at Cleveland Hopkins International Airport ("Leased Premises") for office and storage space to support ground handling operation services. The term of the Lease shall be for a two year period, commencing August 1, 2010, with a one year-option to renew, and a second option to renew for approximately sixteen additional months, ending on December 3, 2014. The first one-year option to renew may not be exercised without additional legislative authority. If such additional

legislative authority is granted and the one-year option to renew is exercised, then the second sixteen-month option to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City an initial rate of Twenty Six Thousand Seven Hundred Fifty-Five Dollars and Seventy Two Cents (\$26,755.72) which is equal to \$84.67 per square foot. Such rent shall be paid in monthly installments due on the first day of each month during the remainder of 2010. Terminal rental rates are established annually based on a formula outlined in the airline Master Lease and Agreement. The rental rate for the subject space will change annually and will be calculated in accordance with the terms outlined in the referenced agreement.

**Section 2.** That the Lease authorized shall be prepared by the Director of Law.

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

Passed October 18, 2010.

Effective October 21, 2010.

---

**Ord. No. 1073-10.**  
**By Council Member Reed.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10805 Nelson Avenue to Ella M. Settles.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

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

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

P. P. No. 136-04-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 223 in James M. and Colgate Hoyt's Allotment of a part of Original One Hundred Acre Lot No. 458, as shown by the recorded plat in Volume 4 of Maps, Page 27 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Nelson Avenue and extending back between parallel lines 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed October 18, 2010.

Effective October 21, 2010.

---

**Ord. No. 1076-10.**

**By Council Member Cimperman.**

**An ordinance changing the Use District of land located near the southwest corner of Rowley Avenue and West 11th Street from Two Family Residential to Local Retail Business (Map Change No. 2336; Sheet No. 6).**

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

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

Beginning in the centerline of West 11th Street at its intersection with the centerline of Rowley Avenue;

Thence southerly along said centerline of West 11th Street to its intersection with the easterly prolongation of the southerly line of Sublot No. 45 in the Meyer Re-Allotment Subdivision as shown on the recorded plat in Volume 12, Page 8 of Cuyahoga County Map Records;

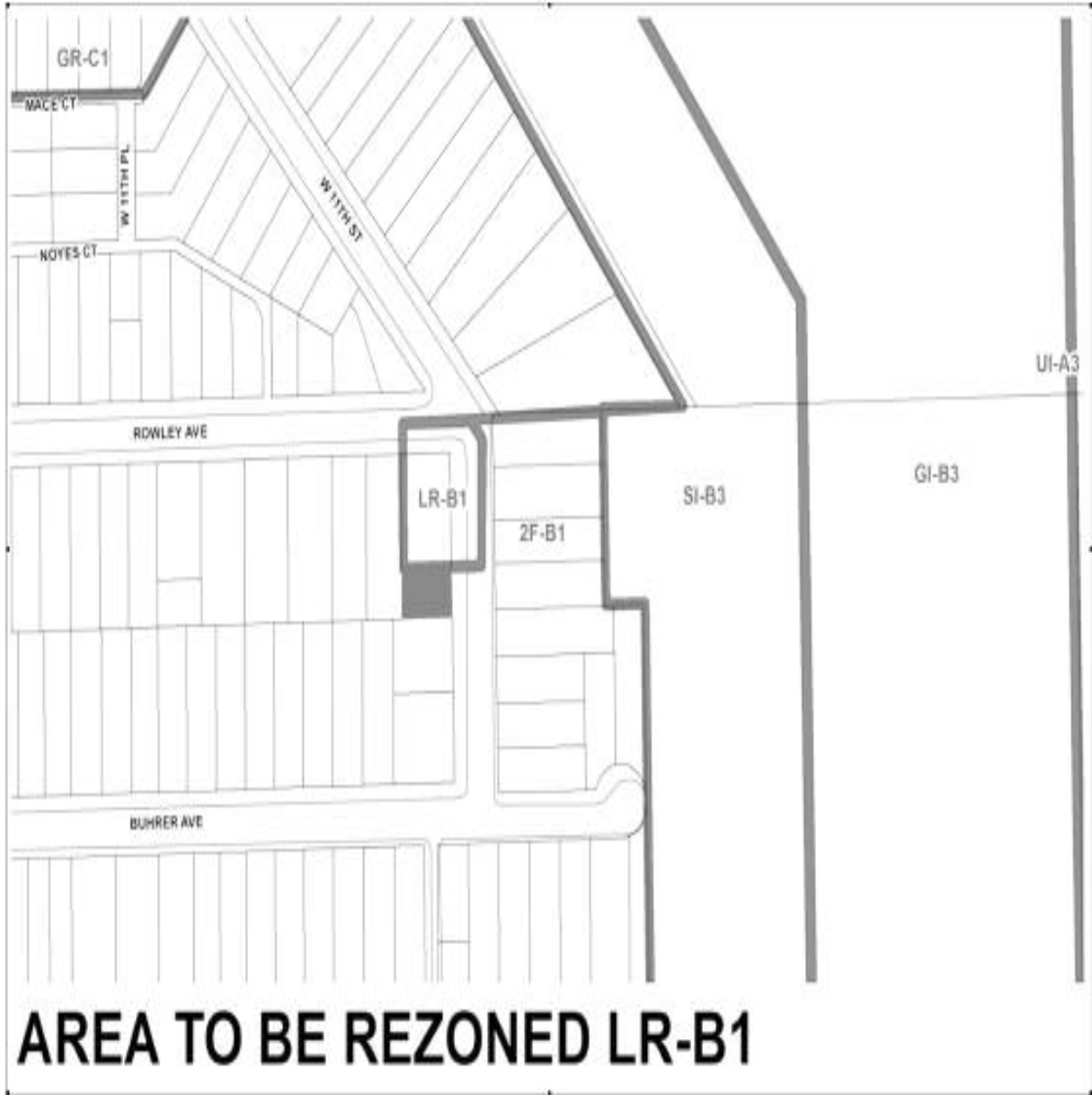
Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Rowley Avenue;

Thence easterly along said centerline of Rowley Avenue to its intersection with the centerline of West 11th Street and the principal place of beginning, and as outlined and shaded on the attached map is changed to a Local Retail Business District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No.2336, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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





Passed October 18, 2010.  
 Effective November 17, 2010.

**Ord. No. 1077-10.**

**By Council Members Dow and J. Johnson.**

**An ordinance establishing the Superior Avenue Design Review District (Map Change No. 2337, Sheet No. 4).**

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

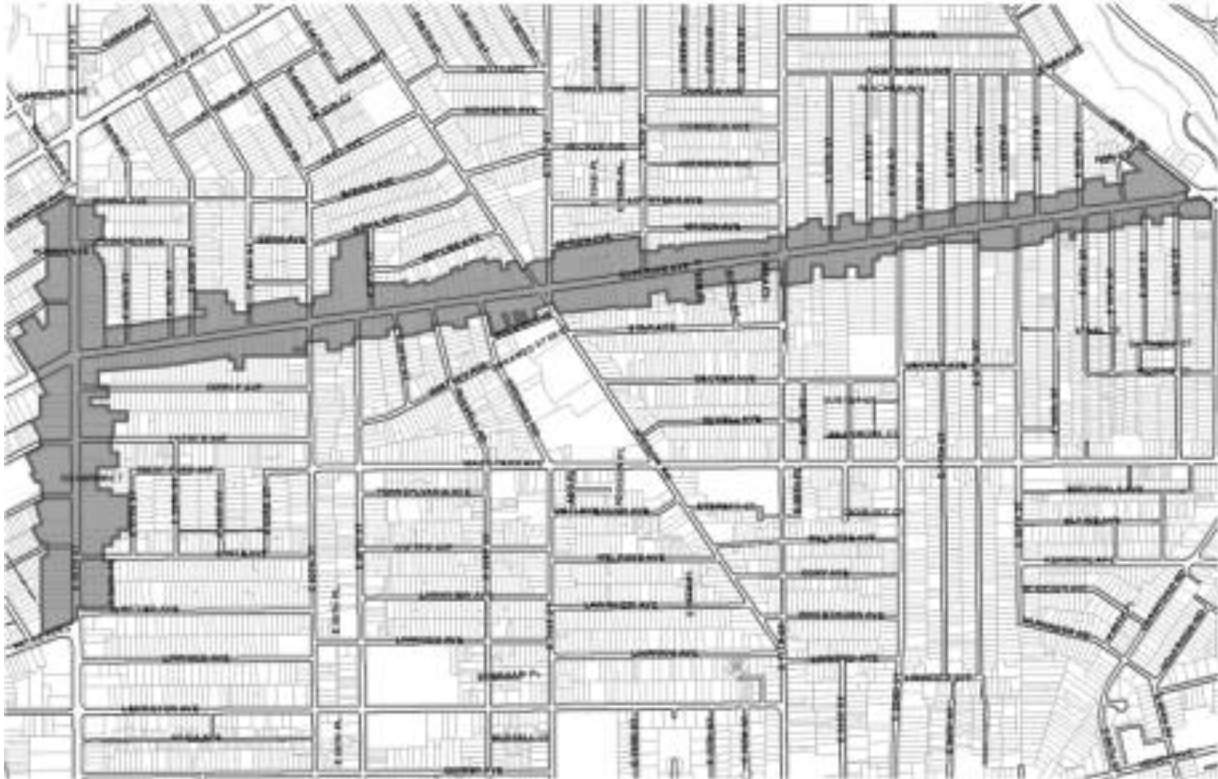
Be it ordained by the Council of the City of Cleveland:

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

**Section 2.** That the designation of the area described in Section 1 hereof as the Superior Avenue Design Review District shall be identified as Map Change Number 2337, Sheet Number 4, shall be noted on the Building Zone Maps of the City of Cleveland and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

## SUPERIOR AVENUE DESIGN REVIEW DISTRICT



Passed October 18, 2010.  
Effective November 17, 2010.

### Ord. No. 1183-10.

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of transmission, distribution, and substation test equipment, including labor and materials for the maintenance, repair, or replacement of transmission, distribution, and substation test equipment, and training as necessary, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of transmission, distribution, and substation test equipment and labor and materials for the maintenance, repair, or replacement of transmission, distribution, and substation test equipment, and training as necessary, 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 Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. RQN 2004 RL 2010-44

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

**Section 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 October 18, 2010.  
Effective October 21, 2010.

### Ord. No. 1188-10.

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

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio Assistance Fund grant from the State of Ohio Department of Development for environmental assistance for proposed redevelopment of the property located at 13815 Coit Road; and authorizing the Director to enter into one or more contracts with Forest City Land Group, Inc., or its designee, to implement the project.**

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

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

**Section 1.** That the Director of Economic Development is authorized to apply for and accept a Clean Ohio Assistance Fund grant in an amount up to \$300,000, from the State of Ohio Department of Development for environmental assistance for proposed redevelopment of the property located at 13815 Coit Road, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

**Section 2.** That the executive summary for the grant, File No. 1188-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts Forest City Land Group, Inc., or its designee, to implement the project.

**Section 4.** That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

**Section 5.** That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

**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 October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1199-10.**

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

**An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for the State Route 87, Woodland Avenue, Madison Avenue and Cedar Avenue street rehabilitation projects; and state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for road and bridge improvements.**

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of

capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvements:

1. State Route 87 (Woodland Avenue) rehabilitation, from East 55th Street to Buckeye Road;

2. Woodland Avenue rehabilitation, from Buckeye Road to Martin Luther King Jr. Drive;

3. Madison Avenue rehabilitation, from West Boulevard to West 65th Street; and

4. Cedar Avenue rehabilitation, from East 89th Street to Martin Luther King Jr. Drive.

**Section 2.** That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the city's general obligation bonds issued for bridge and road improvements.

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

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1200-10.**

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

**An emergency ordinance to amend Section 1 of Ordinance No. 451-09, passed June 8, 2009, relating to an agreement or agreements with the Cities of Brook Park and Parma regarding the public improvement of resurfacing Brook Park Road.**

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

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

**Section 1.** That Section 1 of Ordinance No. 451-09, passed June 8, 2009, is amended to read as follows:

Section 1. That the Director of Public Service is authorized to enter into an agreement or agreements with the Cities of Brook Park and Parma regarding the Brookpark Road Resurfacing Project to, among other things, allow the City of Brook Park to make the public improvement of resurfacing Brookpark Road beginning at the centerline of Brookpark Road and Rocky River Drive easterly 1,755 feet to the intersection of Brookpark Road and centerline of CSX Railroad, which is located in the City of Cleveland and to allow the City of Brook Park to apply for and accept federal, state highway, and/or Ohio Public Works Issue 1 funds designated for this purpose.

**Section 2.** That existing Section 1 of Ordinance No. 451-09, 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.

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1290-10.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into an amendment to Contract No. 44522 and an amendment to the Rental Rehabilitation Loan agreement, entered into on January 23, 1992, as amended, both with NOAH Midtown II Limited Partnership, for the rehabilitation of low income rental units in two multifamily buildings located at 3147 Prospect Avenue and 2029 East 40th Street, to change certain terms of the agreements.**

Whereas, under Ordinance No. 1267-91, passed June 17, 1991, this Council authorized the Director of Community Development to enter into Contract No. 44522 with NOAH Midtown II Limited Partnership, for the rehabilitation of low income rental units in two multi-family buildings located at 3147 Prospect Avenue and 2029 East 40th Street using Community Development Block Grant Housing Trust funds ("CDBG NOAH Loan"); and

Whereas, under Ordinance No. 1471-88, passed June 20, 1988, as amended, this Council authorized the Director of Community Development to enter into an agreement with NOAH Midtown II Limited Partnership, for the rehabilitation of low income rental units in two multi-family buildings located at 3147 Prospect Avenue and 2029 East 40th Street using Rental Rehabilitation funds ("NOAH Rental Rehabilitation Loan"); and

Whereas, the Director of Community Development entered into amendments to both the CDBG NOAH Loan and the NOAH Rental Rehabilitation Loan on January 23, 1992, to change the terms of the loans; and

Whereas, additional modifications are desired; and

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an amendment to Contract No. 44522 with NOAH Midtown II Limited Partnership ("NOAH CDBG Loan") for the rehabilitation of low income rental units in two multifamily buildings located at 3147 Prospect Avenue and 2029 East 40th Street (1) to extend the terms of the loan for an additional 5 years, to be coterminous with Key Banks' first mortgage; (2) to continue the Tax Credit rent and income limits throughout the term of this loan; (3) to continue the interest rate on the NOAH CDBG Loan at 1%; (4) to allow borrower to make one annual payment of

principal and interest to the City that will be the higher of \$10,000 per year of 25% of the available net cash flow after operating expenses and first mortgage debt service; and (5) make such other changes as they deem necessary to allow the refinancing of the existing NOAH CDBG Loan.

**Section 2.** That the Director of Community Development is authorized to enter into an amendment to the Rental Rehabilitation Loan agreement, entered into on January 23, 1992, as amended, with NOAH Midtown II Limited Partnership ("NOAH Rental Rehabilitation Loan") for the rehabilitation of low income rental units in two multifamily buildings located at 3147 Prospect Avenue and 2029 East 40th Street (1) to extend the terms of the loan for an additional 5 years, to be coterminous with Key Banks' first mortgage; (2) to continue the Tax Credit rent and income limits throughout the term of this loan; (3) to reduce the interest rate on the NOAH Rental Rehabilitation Loan to 1%; (4) to allow borrower to make one annual payment of principal and interest to the City that will be the higher of \$10,000 per year of 25% of the available net cash flow after operating expenses and first mortgage debt service; (5) to forgive the accrued interest on the NOAH Rental Rehabilitation Loan; and (6) make such other changes as they deem necessary to allow the refinancing of the existing NOAH Rental Rehabilitation Loan.

**Section 3.** That the terms of the CDBG Loan and the Rental Rehabilitation Loan for NOAH Midtown II Limited Partnership for the rehabilitation of low income rental units in two multifamily buildings located at 3147 Prospect Avenue and 2029 East 40th Street shall be in accordance with the terms as set forth in the Summary contained in File No. 1290-10-A.

**Section 4.** That the amendments and related documents shall be prepared by the Director of Law and shall contain terms and provisions as the Director of Law deems necessary to protect and benefit the public interest.

**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 October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1322-10.**  
By Council Member Sweeney (by departmental request).

**An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Clark Schaefer Hackett for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2010 financial statements and to complete two statements of Auditing Standards for the Divisions of Water and Taxation; for a period of one year, with three one-year options to renew, the second 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 enter into one or more contracts with Clark Schaefer Hackett for professional services necessary to complete an independent assessment and to express the opinion of the City whether the 2010 financial statements fairly present the financial position of the City and other things, and to complete two statements on Auditing Standards for the Divisions of Water and Taxation, for a period of one year, with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Finance, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third 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.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from funds appropriated for this purpose in budget year 2011, Request No. RQS 1506 RL 2010-169.

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

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1323-10.**  
By Council Member Sweeney (by departmental request).

**An emergency ordinance authorizing the Director of Finance to exercise the second option to renew Contract No. 68663 with Active Network to provide further development of the City's 311 Call Center initiative.**

Whereas, under the authority of Ordinance No. 341-08, passed April 7, 2008, the Director of Finance entered into Contract No. 68663 with Active Network to provide development of the City's 311 Call Center initiative; and

Whereas, Ordinance No. 341-08 requires further legislation before exercising the second 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 Finance is authorized to exercise the second option to renew Contract No. 68663 at a cost not to exceed \$676,380, with Active Network to further develop the City's 311 Call Center initiative for various divisions of City government. This ordinance constitutes the additional legislative

authority required by Ordinance No. 68663 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.

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1327-10.**  
By Council Member Sweeney (by departmental request).

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Department of Justice for the CATS Plus Program; and authorizing the Director to enter into one or more contracts with the University of Akron, Community Assessments & Treatment Services, Inc., and various agencies, entities, or individuals to implement the grant.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$200,000, and any other funds that may become available during the grant term from the Department of Justice to conduct the CATS Plus Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1327-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$66,666 from Fund No. 10 SF 087, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with the University of Akron, Community Assessments & Treatment Services, Inc., and various agencies, entities, or individuals to implement the grant as described in the file.

**Section 4.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds 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 October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1359-10.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Integrated Consulting & Management, LLC for the professional services necessary to make computer-based automated phone calls to targeted audiences in the City for Cleveland City Council and repealing Ordinance No 1288-10, passed September 27, 2010.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with Integrated Consulting & Management, LLC for the professional services necessary to make computer-based automated phone calls to residents in a wards or wards, or other targeted audiences in the City for Cleveland City Council. The agreement shall begin October 1, 2010 and shall terminate February 28, 2011, unless sooner cancelled by the Clerk of Council.

The agreement shall be certified in an amount not to exceed \$32,830.00 from fund numbers Fund 01, Dept. 0101, subfund 001, acct. 6320.

**Section 2.** That Ordinance No. 1288-10, passed September 27, 2010, is hereby repealed.

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

Passed October 18, 2010.

Effective October 18, 2010.

**Ord. No. 1364-10.**

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

**An emergency ordinance to amend Section 4 of Ordinance No. 797-10, passed June 7, 2010, and renumbered as new Section 6 by Ordinance No. 1044-10, passed August 18, 2010, relating to the exchange of real property between the City and Pyrrhus, Inc. and Borchert Fence Co. necessary for the development of the Green City Growers Greenhouse project.**

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

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

**Section 1.** That Section 4 of Ordinance No. 797-10, passed June 7, 2010, and renumbered as new Section 6 by Ordinance No. 1044-10, passed August 18, 2010, is amended to read as follows:

Section 6. That the agreement

shall also provide that Borchert Fence Co. shall transfer fee title to the City of Cleveland of some or all of the following described Borchert Fence Co. property: Permanent Parcel Nos. 124-20-010 to 124-20-013, 124-20-065, 124-20-066.

**Section 2.** That existing Section 4 of Ordinance No. 797-10, passed June 7, 2010, and renumbered as new Section 6 by Ordinance No. 1044-10, passed August 18, 2010, is repealed.

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

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1366-10.**

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

**An emergency ordinance authorizing the Directors of Community Development and Public Health to apply for and accept a grant from the U.S. Department of Housing and Urban Development for the 2010 Healthy Homes Production 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 Directors of Community Development and Public Health are authorized to apply for and accept a grant in the amount up to \$1,000,000, and any other funds that may become available during the grant term, from the U.S. Department of Housing and Urban Development to conduct the Healthy Homes Production Program; that the Directors are authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for purposes under the Healthy Homes Production Program.

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

Passed October 18, 2010.

Effective October 21, 2010.

**Ord. No. 1367-10.**

**By Mayor Jackson and Council Members Brady and J. Johnson.**

**An emergency ordinance declaring a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for internet sweepstakes operations in the City of Cleveland.**

Whereas, there have been several applications for the use of computerized sweepstakes devices, sweepstakes terminal cafes, internet

cafés, or similar activity, by whatever name it might be known, hereinafter "internet sweepstakes operations; and

Whereas, this Council is aware of police activity at internet sweepstakes operations; and

Whereas, internet sweepstakes operations are not specifically listed as a permitted use in the City's zoning regulations; and

Whereas, this Council finds it necessary to review internet sweepstakes operations and determine their compatibility with the City's land use plans and their effects on surrounding land uses; and

Whereas, this Council is considering an ordinance to regulate internet sweepstakes operations including their classification under the City's zoning code, and possible regulations associated with their activities, including but not limited to spacing requirement, parking requirements and hours of operation; and

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for internet sweepstakes operations is necessary to enable this Council to consider reasonable regulation of the internet sweepstakes operations; now therefore,

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

**Section 1.** That, for the reasons stated in the preamble to this ordinance, this Council declares a moratorium on review and issuance of applications for zoning permits, certificates of occupancy, and other permits and licenses, to internet sweepstakes operations for a period commencing on the effective date of this ordinance and ending on either the effective date of an ordinance regulating the internet sweepstakes operations or April 18, 2011, whichever date occurs first.

**Section 2.** That, as used in this ordinance, the following words and phrases shall have the following meanings:

(a) "Computerized sweepstakes device" means any computer, machine, game or apparatus which, upon the insertion of a coin, plate, disc, plug, key, card, token, or similar object, and/or upon payment of a fee or anything of value, and operates or may be operated by the public generally for use as a game, contest of skill, entertainment, or amusement.

(b) "Sweepstakes terminal café" means an individual building or premises in which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever.

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

Passed October 18, 2010.

Effective October 18, 2010.

**COUNCIL COMMITTEE  
MEETINGS**

**Friday October 22, 2010  
10:00 a.m.**

**Committee of the Whole:** Present: Sweeney, Chair; Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, Keane, Kelley, Mitchell, Miller, Polensek, Pruitt, Reed, Zone. *Authorized Absence:* K. Johnson, Westbrook.

**Monday October 25, 2010  
9:30 a.m.**

**Health and Human Services Committee:** Present: Cimperman, Chair; J. Johnson, Vice Chair; Keane, Kel-

ley, Reed, Zone. *Authorized Absence:* Conwell.

**2:00 p.m.**

**Legislation Committee & Finance Committee:** Present in Legislation: Mitchell, Chair; Brancatelli, Cleveland, Reed, Sweeney. *Authorized Absence:* K. Johnson, Vice Chair; Cimperman. Pro tempore: Kelley. Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland,

Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Tuesday October 26, 2010  
9:30 a.m.**

**Community and Economic Development Committee:** Present: Brancatelli, Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* Dow, Vice Chair. Pro tempore: Sweeney.

**Wednesday, October 27, 2010  
10:00 a.m.**

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

## Index

O—Ordinance; R—Resolution; F—File  
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
Bold type in sections indicates amendments

### Agreements

Amend Sect. 4 of Ord. No. 797-10 — City, Pyrrhus, Inc. & Borchert Fence Co. property exchange — Green City Growers Greenhouse project (O 1364-10) .....	<b>1697</b>
Amend Sect.1 of Ord. No. 451-09 — Brook Park Rd. resurfacing — Cities of Brook Park & Parma (O 1200-10) .....	<b>1695</b>
Automated phone calls — Integrated Consulting & Management, LLC — repeal Ord. No. 1288-10 (O 1359-10) .....	<b>1697</b>
Utilities Department — TRI-C's Smart Grid Technology training program (O 1028-10) .....	<b>1690</b>

### Annual Reports

2010 & 2011 Annual Reports — professional services — Utilities Department (O 1026-10) .....	<b>1690</b>
---	-------------

### Board of Control — Community Development Department

Catalpa Road, 1638 (Ward 10) — PPN 117-10-039 — HUD/Fannie Mae property — Cathy White (BOC Res. 420-10) .....	1606
Saranac Road (Ward 11) — PPN 116-09-001/003/044/045 — Ishmael Pettigrew per Ord. 1261-10 (BOC Res. 419-10) .....	1606

### Board of Control — Finance Department

Exterminating services — per C.O. Sec. 181.101 to J.C. Ehrlich Co., Inc., d.b.a. Rentokil Pest Control (BOC Res. 413-10) .....	1605
Security guard services, uniformed and unarmed — per Ord. 893-10 to Industrial Security Service, LLC (BOC Res. 414-10) .....	1605

### Board of Control — Land Reutilization Program

Catalpa Road, 1638 (Ward 10) — PPN 117-10-039 — HUD/Fannie Mae property — Cathy White (BOC Res. 420-10) .....	1606
Saranac Road (Ward 11) — PPN 116-09-001/003/044/045 — Ishmael Pettigrew per Ord. 1261-10 (BOC Res. 419-10) .....	1606

### Board of Control — Parks, Recreation and Properties Department

Roof replacements for Public Safety Buildings — per Ord. 886-06, 781-09 — all bids rejected (BOC Res. 418-10) .....	1606
Zelma Watson George Recreation Center HVAC improvements — per Ord. 922-07, 1163-08, 1176-08 — all bids rejected (BOC Res. 417-10) .....	1606

### Board of Control — Public Improvement Contracts

Catch basins and manholes, construction and repair of — per C.O. Sec. 129.291 to Terrace Construction Co., Inc. — Division of Water Pollution Control, Dept. of Public Utilities (BOC Res. 415-10) .....	1606
--	------

**Board of Control — Public Safety Department**

Roof replacements for buildings — per Ord. 886-06, 781-09 — all bids rejected — Dept. of Parks, Recreation and Propertiesz (BOC Res. 418-10) ..... 1606

**Board of Control — Public Utilities Department**

Catch basins and manholes, construction and repair of — per C.O. Sec. 129.291 to Terrace Construction Co., Inc. — Division of Water Pollution Control (BOC Res. 415-10) ..... 1606  
 Laboratory services for protozoa and biological analysis — per C.O. Sec. 129.28 — all bids rejected — Division of Water (BOC Res. 416-10) ..... 1606

**Board of Control — Requirement Contracts**

Exterminating services — per C.O. Sec. 181.101 to J.C. Ehrlich Co., Inc., d.b.a. Rentokil Pest Control — Dept. of Finance (BOC Res. 413-10)..... 1605  
 Security guard services, uniformed and unarmed — per Ord. 893-10 to Industrial Security Service, LLC — Dept. of Finance (BOC Res. 414-10) ..... 1605

**Board of Control — Water Division**

Laboratory services for protozoa and biological analysis — per C.O. Sec. 129.28 — all bids rejected — Dept. of Public Utilities (BOC Res. 416-10) ..... 1606

**Board of Control — Water Pollution Control Division**

Catch basins and manholes, construction and repair of — per C.O. Sec. 129.291 to Terrace Construction Co., Inc. — Dept. of Public Utilities (BOC Res. 415-10) ..... 1606

**Board of Control — Zelma Watson George Recreation Center**

HVAC improvements — per Ord. 922-07, 1163-08, 1176-08 — all bids rejected — Dept. of Parks, Recreation and Propertiesz (BOC Res. 417-10) ..... 1606

**Board of Zoning Appeals — Report**

Broadview Road, 2141, (Ward 3) – Joe Coreno, owner and Joe Phillips, lessee — appeal postponed to 11/15/10 on 10/25/10 (Cal. 10-162) ..... 1680  
 East 169th Street, 4129, (Ward 1) – Marvin Johnson, Jr., owner — appeal heard on 10/25/10 (Cal. 10-188) ..... 1680  
 Euclid Avenue, 11400, (Ward 9) – Case Western Reserve University, owner and the Museum of Contemporary Art — appeal heard on 10/25/10 (Cal. 10-187)..... 1680  
 Lakeshore Boulevard, 15610, (Ward 11) – John Daher, owner, and Jack DiCocco, d.b.a. American Pride Car Wash, prospective purchaser — appeal granted and adopted on 10/25/10 (Cal. 10-177) ..... 1680  
 Lorain Avenue, 12645, (Ward 17) – Salvation Army, Jr., owner — appeal heard on 10/25/10 (Cal. 10-191) ..... 1680  
 Meyer Avenue, 2401, (Ward 14) – Michael Ferrante, owner — appeal withdrawn on 10/25/10 (Cal. 10-183) ..... 1680  
 Orchard Avenue, 4219, (Ward 15) – Michael Rastatter, owner — appeal heard on 10/25/10 (Cal. 10-129) ..... 1680  
 Sherry Avenue, 13400, (Ward 18) – Timothy Gorey, owner — appeal heard on 10/25/10 (Cal. 10-193) ..... 1680  
 State Road, 4931, (Ward 13) – Ioannis Vasilakis, owner and Moises Quintana, tenant — appeal to be heard on 11/8/10 (Cal. 10-163) ..... 1679  
 Thackeray Avenue, 5905, (Ward 5) – City of Cleveland, owner and the Department of Community Deveopment — appeal granted and adopted on 10/25/10 (Cal. 10-155) ..... 1680  
 Thackeray Avenue, 5911, (Ward 5) – City of Cleveland, owner and the Department of Community Deveopment — appeal granted and adopted on 10/25/10 (Cal. 10-156) ..... 1680  
 Thackeray Avenue, 5917, (Ward 5) – City of Cleveland, owner and the Department of Community Deveopment — appeal granted and adopted on 10/25/10 (Cal. 10-157) ..... 1680  
 West 130th Street, 4724, (Ward 18) – Vietnamese Buddhist Association, Jr., owner — appeal postponed to 11/8/10 on 10/25/10 (Cal. 10-192) ..... 1680  
 West 6th Street, 2379, (Ward 3) – Nancy Corral Trust, owner — appeal granted and adopted on 10/25/10 (Cal. 10-68) ..... 1680  
 West 6th Street, 2382, (Ward 3) – Nancy Corral Trust, owner — appeal granted and adopted on 10/25/10 (Cal. 10-69) ..... 1680  
 West 6th Street, 2388, (Ward 3) – Nancy Corral Trust, owner — appeal granted and adopted on 10/25/10 (Cal. 10-67) ..... 1680  
 West 7th Street, 2387, (Ward 3) – Nancy Corral Trust, owner — appeal granted and adopted on 10/25/10 (Cal. 10-70) ..... 1680

**Board of Zoning Appeals — Schedule**

Brookfield Avenue, 12104, (Ward 17) – Robert and Cynthia Forest, owner — appeal to be heard on 11/8/10 (Cal. 10-208) ..... 1679

Clifton Boulevard, 11521, (Ward 16) – Robert and Cynthia Forest, owner — appeal to be heard on 11/8/10 (Cal. 10-203) .....	1679
Marcella Road 18132, (Ward 11) – James Cvelbar, owner — appeal to be heard on 11/8/10 (Cal. 10-197) .....	1679
Prospect Avenue, 3047, (Ward 8) – Z3 Properties, LLC, owner — appeal to be heard on 11/8/10 (Cal. 10-195) .....	1679
Pulaski Avenue, 8101, (Ward 7) – Lorenzo Willis III, owner, Nellie Williams and Tyrone Glass, tenants — appeal to be heard on 11/8/10 (Cal. 10-196) .....	1679

**City Council**

Automated phone calls — agreement — Integrated Consulting & Management, LLC — repeal Ord. No. 1288-10 (O 1359-10) .....	1697
Cuyahoga Metropolitan Housing Authority (CMHA) — Council recommendation — Ronald Van Johnson, Jr. (F 1420-10) .....	1671
Ross, Terry — Retired Commissioner of Division of Administrative Services — Thanking City Council — Congratulatory Res. No. 1308-10 (F 1432-10) .....	1672

**City of Cleveland Bids**

Anti-freeze coolant — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 686-07 — bid due November 18, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681
Aviation maintenance — Department of Public Safety — Division of Police — per C.O. Sec. 181.101 — bid due November 18, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681
Cummins engine parts and labor — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 686-07 — bid due November 18, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681
Escalators and moving sidewalk cleaning — Department of Port Control — Division of Cleveland Hopkins International Airport — per C.O. Sec. 181.101 — bid due November 18, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681
Kerruish Park site improvements, Phase III — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 597-09 — bid due November 17, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681
Kirtland-Baldwin Raw Water Main Cathodic Protection System — Department of Public Utilities — Division of Water — per Ord. 444-10 — bid due November 18, 2010 (advertised 10/20/2010 and 10/27/2010) .....	1680
LED lamps — Department of Finance — per Ord. 829-10 — bid due December 1, 2010 (advertised 10/20/2010 and 10/27/2010) .....	1681
Modular transit style smoking shelter — Department of Port Control — Division of Cleveland Hopkins International Airport — per C.O. Sec. 181.101 — bid due November 18, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681
Runway 10-28 Safety Area improvements, Phase III — Runway 10 End WBS #A1-E233-3 — Department of Port Control — Division of Cleveland Hopkins International Airport — per Ord. 589-09, 498-10 — bid due December 29, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681
Wire, cable and accessories — Department of Public Utilities — Division of Cleveland Public Power — per C.O. Sec. 129.26 — bid due November 19, 2010 (advertised 10/27/2010 and 11/3/2010) .....	1681

**City Planning Commission**

Clark Field — Change the Use District — Open Space and Recreation District (Ward 03) (O 734-10) .....	1689
East 104th St. — intention to vacate a portion — Service Department (Ward 04) (O 1024-10) .....	1690
East 3rd St. & Summit Ave. — intention to vacate a portion — Service Department (Ward 03) (R 1487-09) .....	1681
East 51st St., 1374 — encroach into right-of-way — entrance canopy and two support posts — Ohio Technical College — Service Department (Ward 08) (O 1030-10) .....	1691
Establish Superior Avenue Design Review District (O 1077-10) .....	1693
Holmden Ave., (south) — Change the Use District — Two Family Residential District (Ward 03) (O 730-10) .....	1686
Kamm's Corners Design Review District — expand — Triskett Rd., West 140th St. and Lakewood Heights Boulevard (Ward 19) (O 1419-10) .....	1675
Kenilworth Ave., Starkweather Ave., West 11th St., and W. 14th St. — Change the Use District — Open Space and Recreation District (Ward 03) (O 733-10) .....	1688
Live-Work Overlay District — expand — between E. 40th St. & E. 49th St. north of Saint Clair Ave. (Ward 03) (O 1418-10) .....	1674
Professor St. & Starkweather Ave. — Change the Use District — Local Retail Business (Ward 03) (O 732-10) .....	1687
Rowley Ave. & West 11th St. — Change Use District — Two Family Residential to Local Retail Business (Ward 03) (O 1076-10) .....	1692
Stanhope Ct. N. W., — intention to vacate a portion — Service Department (Ward 16) (R 1032-10) .....	1682



**Clerk of Council**

Automated phone calls — agreement — Integrated Consulting & Management, LLC — repeal Ord.  
 No. 1288-10 (O 1359-10) ..... 1697

**Cleveland Hopkins International Airport**

Lease agreement with Servisar USA (O 1034-10) ..... 1691

**Cleveland Housing Network**

Contracts — Water Division — affordability program (O 1025-10) ..... 1690

**Cleveland Metropolitan School District**

Urging Safety Department to enforce schools attendance (R 1371-10) ..... 1683

**Cleveland Municipal Court**

CATS Plus Program — Grant — Cleveland Municipal Court (Drug Court) (O 1327-10) ..... 1696

**Cleveland Public Power**

Utilities Department — contract — CPP substation test equipment (O 1183-10) ..... 1694

**Codified Ordinances**

Amend Sect(s) 188.01, 188.02 & 188.05 — Fannie M. Lewis Cleveland Resident Employment  
 Law (O 1056-10) ..... 1676

**Communications**

Cuyahoga Metropolitan Housing Authority (CMHA) — Council recommendation — Ronald Van  
 Johnson, Jr. (F 1420-10) ..... 1671  
 Ross, Terry — Retired Commissioner of Division of Administrative Services — Thanking City  
 Council — Congratulatory Res. No. 1308-10 (F 1432-10) ..... 1672

**Community Development Department**

2010 Healthy Homes Production Program — Grant — U.S. Department of Housing and Urban  
 Development (O 1366-10) ..... 1697  
 Amend Contract No. 44522 — rental rehabilitation contract with NOAH Midtown (O 1290-10) ..... 1695  
 Dodson & Associates — Contract No. PI 2010000000019 — North Point Transitional Housing —  
 1550 Superior Ave. (Ward 03) (O 1416-10) ..... 1676  
 East 87th St., — PPN 119-32-128 — Land Reutilization Program — Alfred Fluker & Barbara  
 Thompkins (Ward 06) (O 1186-10) ..... 1677  
 East 92nd St. — PPN 126-23-019 — Land Reutilization Program — Micelli-LoGrasso Development,  
 LLC. (Ward 04) (O 1417-10) ..... 1673  
 Nelson Ave., 10805 — PPN 136-04-021 — Land Reutilization Program — Ella M. Settles (Ward  
 02) (O 1073-10) ..... 1692  
 Utilities Dept. — transfer PPN 129-05-048 — Mt. Overlook Ave. (O 1027-10) ..... 1676

**Condolence Resolutions**

Brown, Jeffrey Scott (R 1434-10) ..... 1672  
 Malone, Jonathan L. (R 1435-10) ..... 1672  
 Sullivan, Alyce L. (R 1433-10) ..... 1672

**Congratulations Resolutions**

Barrett, Tim (R 1437-10) ..... 1672  
 Gill, Jr., George A. (R 1436-10) ..... 1672  
 Nielson, J. Christopher (R 1443-10) ..... 1672  
 Piccirillo, Frank (R 1438-10) ..... 1672

**Contracts**

Amend title and Sect. 1 of Ord. No. 1709-09 — Personal handheld devices with  
 cellular options — contract without competitive bid — Sprint Nextel Corporation  
 (O 1412-10) ..... 1672  
 Apply & Accept Clean Ohio Assistance Fund Grant — Forest City Land Group (Ward 10)  
 (O 1188-10) ..... 1694  
 Cleveland Housing Network — Water Division — affordability program (O 1025-10) ..... 1690  
 Community Development — Amend Contract No. 44522 — rental rehabilitation contract with  
 NOAH Midtown (O 1290-10) ..... 1695

Dodson & Associates — Contract No. PI 2010000000019 — North Point Transitional Housing — 1550 Superior Ave. (Ward 03) (O 1416-10) .....	1676
Exercise option to renew Contract No. 68663 — Active Network — City's 311 Call Center (O 1323-10).....	1696
Port Control — Exercise option to renew Contract No. 68710 with Early Morning Software (O 1413-10) .....	1672
Safety Department — Extend Contract No. 64776 — ACS State & Local Solutions — traffic cameras (O 1414-10).....	1672
Utilities Department — CPP substation test equipment (O 1183-10).....	1694
<b>Cuyahoga Community College</b>	
Utilities Department — agreements — TRI-C's Smart Grid Technology training program (O 1028-10) .....	1690
<b>Cuyahoga Metropolitan Housing Authority (CMHA)</b>	
Council recommendation — Ronald Van Johnson, Jr. (F 1420-10).....	1671
<b>Economic Development Department</b>	
Amend Sect. 4 of Ord. No. 797-10 — City, Pyrrhus, Inc. & Borchert Fence Co. property exchange — Green City Growers Greenhouse project (O 1364-10) .....	1697
Apply & Accept Clean Ohio Assistance Fund Grant — contracts — Forest City Land Group (Ward 10) (O 1188-10) .....	1694
Tax Incentive Review Council — approve 2009 recommendations (O 1321-10).....	1677
Tax Increment Financing Agreement — Rockwell Property — 1403 East 6th Street (interior renovation) (O 1415-10).....	1673
<b>Encroachments</b>	
East 51st St., 1374 — right-of-way — entrance canopy and two support posts — Ohio Technical College — Service Department (Ward 08) (O 1030-10) .....	1691
West 6th St. (between Frankfort Ave. & St. Clair Ave.) — right-of-way — maintaining steel railings around 7 existing planting beds — Historic Warehouse District Development Corp. — Service Department (Ward 03) (O 1031-10) .....	1691
<b>Finance Department</b>	
Amend title and Sect. 1 of Ord. No. 1709-09 — Personal handheld devices with cellular options — contract without competitive bid — Sprint Nextel Corporation (O 1412-10) .....	1672
CATS Plus Program — Grant — Cleveland Municipal Court (Drug Court) (O 1327-10) .....	1696
Exercise option to renew Contract No. 68663 — Active Network — City's 311 Call Center (O 1323-10).....	1696
Financial statement assessment, 2010 — Audits — Clark Schaefer Hackett — Taxation Division — Water Division (O 1322-10).....	1696
<b>Grants</b>	
2010 Healthy Homes Production Program — U.S. Department of Housing and Urban Development (O 1366-10) .....	1697
Apply & Accept Clean Ohio Assistance Fund Grant — contracts — Forest City Land Group (Ward 10) (O 1188-10) .....	1694
CATS Plus Program — Cleveland Municipal Court (Drug Court) (O 1327-10) .....	1696
<b>Health Department</b>	
2010 Healthy Homes Production Program — Grant — U.S. Department of Housing and Urban Development (O 1366-10).....	1697
<b>Housing and Urban Development (HUD)</b>	
2010 Healthy Homes Production Program — Grant (O 1366-10).....	1697
<b>Information System Services Division</b>	
Amend title and Sect. 1 of Ord. No. 1709-09 — Personal handheld devices with cellular options — contract without competitive bid — Sprint Nextel Corporation (O 1412-10) .....	1672
<b>Land Reutilization Program</b>	
East 87th St., — PPN 119-32-128 — Alfred Fluker & Barbara Thompkins (Ward 06) (O 1186-10).....	1677
East 92nd St. — PPN 126-23-019 — Micelli-LoGrasso Development, LLC. (Ward 04) (O 1417-10) .....	1673
Nelson Ave., 10805 — PPN 136-04-021 — Ella M. Settles (Ward 02) (O 1073-10) .....	1692

**Lease Agreement**

Servisar USA — CHIA (O 1034-10) ..... 1691

**Licenses**

Moratorium on Internet Sweepstakes Operations (O 1367-10) ..... 1697

**Liquor Permits**

Broadview Rd., 3314 (1st. fl. & bsmt.) — transfer of ownership application (Ward 13)  
(F 1428-10) ..... 1672

Cedar Ave., 7002 — withdraw objection to transfer of Liquor License — repeal Res. 1063-10  
(Ward 05) (R 1376-10) ..... 1684

Central Ave., 7401-05 — withdraw objection to transfer of ownership & Liquor Agency  
Contract — repeal Res. 1088-10 (Ward 05) (R 1377-10) ..... 1684

Clark Ave., 5110 — withdraw objection to issuance & transfer of ownership — repeal Res.  
1266-10, 1267-10 & 958-10 (Ward 15) (R 1381-10) ..... 1685

Clinton Ave., 2800 — transfer of ownership application (Ward 03) (F 1423-10) ..... 1671

East 116th St., 3705 — stock transfer application (Ward 06) (F 1424-10) ..... 1671

East 131st St., 4005-07 — objection to transfer of ownership (Ward 02) (R 1379-10) ..... 1685

East 185th St., 1015 — transfer of ownership application (Ward 11) (F 1427-10) ..... 1671

East 93rd St., 3280 — new application (Ward 06) (F 1425-10) ..... 1671

East 93rd St., 3560 — withdraw objection to renewal — repeal Res. 944-10 (Ward 05)  
(R 1378-10) ..... 1685

East 9th St., 1301 — objection to transfer of Liquor License (Ward 03) (R 1373-10) ..... 1683

Lakeside Ave., 3232 (Bsmt.) — withdraw objection to renewal — repeal Res. 1115-10 (Ward  
03) (R 1374-10) ..... 1684

Public Sq., 75 (Unit 101, 1st. fl. rear) — withdraw objection to transfer of ownership  
& issuance — repeal Res. 942-10 (Ward 03) (R 1375-10) ..... 1684

Scranton Rd., 3101 — transfer of ownership application (Ward 14) (F 1429-10) ..... 1672

Wade Park Ave., 9200 (Unit A 30/40 only) — stock transfer application (Ward 07) (F 1426-10) ..... 1671

West 117th St., 3654 — objection to transfer of Liquor License (Ward 17) (R 1372-10) ..... 1683

West 14th St., 3074 — transfer of ownership and location application (Ward 03) (F 1421-10) ..... 1671

West 6th St., 1378 — transfer of ownership application (Ward 03) (F 1422-10) ..... 1671

**Mayor's Office**

Moratorium on Internet Sweepstakes Operations (O 1367-10) ..... 1697

**Office of Equal Opportunity**

Amend Sect(s) 188.01, 188.02 & 188.05 — Fannie M. Lewis Cleveland Resident Employment Law  
(O 1056-10) ..... 1676

**Permits**

Moratorium on Internet Sweepstakes Operations (O 1367-10) ..... 1697

**Personnel Department**

Amend Sect. 47 of Ord. No. 947-08 — Salary and wage schedules (O 1286-10) ..... 1677

**Plats**

East 118th St. & Euclid Ave. — Circle 118 Subdivision No. 1 (Review and Approval) (Ward  
09) (F 1431-10) ..... 1672

Valley view Homes Hope VI, Phase 1 (Ward 03) (F 1430-10) ..... 1672

**Port Control Department**

Exercise option to renew Contract No. 68710 with Early Morning Software (O 1413-10) ..... 1672

Lease agreement with Servisar USA — CHIA (O 1034-10) ..... 1691

**Professional Services**

2010 & 2011 Annual Reports — Utilities Department (O 1026-10) ..... 1690

Automated phone calls — agreement — Integrated Consulting & Management, LLC — repeal Ord.  
No. 1288-10 (O 1359-10) ..... 1697

Exercise option to renew Contract No. 68663 — Active Network — City's 311 Call  
Center (O 1323-10) ..... 1696

Port Control — Exercise option to renew Contract No. 68710 with Early Morning Software  
(O 1413-10) ..... 1672

**Public Improvements**

Amend Sect.1 of Ord. No. 451-09 — Brook Park Rd. resurfacing — agreements — Cities of Brook Park & Parma (O 1200-10) .....	1695
Apply for Issue 1 for SR 87 — Woodland Ave., Madison Ave. and Cedar Ave. street rehabilitation projects (O 1199-10) .....	1695
Dodson & Associates — Contract No. PI 2010000000019 — North Point Transitional Housing — 1550 Superior Ave. (Ward 03) (O 1416-10) .....	1676

**Recognition Resolutions**

“Cleveland Culinary Celebration Week” & The Fabulous Food Show (R 1440-10) .....	1672
Emerald Development and Economic Network, Inc. (EDEN) (R 1442-10) .....	1672
Julka, Anand “ Bill” (R 1441-10) .....	1672
Vocational Guidance Services (R 1439-10) .....	1672

**Resolutions of Support**

Big Creek Watershed Balanced Growth Plan (R 1370-10) .....	1682
Urging Safety Department to enforce schools attendance (R 1371-10) .....	1683

**Resolutions- Miscellaneous**

Big Creek Watershed Balanced Growth Plan (R 1370-10) .....	1682
Urging New York Community Bank to reconsider closing Ohio Savings Bank branch (Larchmere & North Moreland Blvd.) (R 1369-10) .....	1682
Urging Safety Department to enforce schools attendance (R 1371-10) .....	1683

**Safety Department**

Extend Contract No. 64776 — ACS State & Local Solutions — traffic cameras (O 1414-10) .....	1672
Urging Safety Department to enforce schools attendance (R 1371-10) .....	1683

**Salaries**

Amend Sect. 47 of Ord. No. 947-08 — Salary and wage schedules (O 1286-10) .....	1677
---	------

**Service Department**

Amend Sect.1 of Ord. No. 451-09 — Brook Park Rd. resurfacing — agreements — Cities of Brook Park & Parma (O 1200-10) .....	1695
Apply for Issue 1 for SR 87 — Woodland Ave., Madison Ave. and Cedar Ave. street rehabilitation projects (O 1199-10) .....	1695
East 104th St. — intention to vacate a portion — City Planning Commission (Ward 04) (O 1024-10) .....	1690
East 3rd St. & Summit Ave. — intention to vacate a portion — City Planning Commission (Ward 03) (R 1487-09) .....	1681
East 51st St., 1374 — encroach into right-of-way — entrance canopy and two support posts — Ohio Technical College (Ward 08) (O 1030-10) .....	1691
Stanhope Ct. N. W., — intention to vacate a portion — City Planning Commission (Ward 16) (R 1032-10) .....	1682
West 6th St. (between Frankfort Ave. & St. Clair Ave.) — encroach into right-of-way — maintaining steel railings around 7 existing planting beds — Historic Warehouse District Development Corp. (Ward 03) (O 1031-10) .....	1691

**Street Vacation**

East 104th St. — intention to vacate a portion — City Planning Commission — Service Department (Ward 04) (O 1024-10) .....	1690
East 3rd St. & Summit Ave. — intention to vacate a portion — City Planning Commission — Service Department (Ward 03) (R 1487-09) .....	1681
Stanhope Ct. N. W., — intention to vacate a portion — City Planning Commission — Service Department (Ward 16) (R 1032-10) .....	1682

**Taxation Division**

Financial statement assessment, 2010 — Audits — Clark Schaefer Hackett — Water Division (O 1322-10) .....	1696
---	------

**Taxes**

Tax Incentive Review Council — approve 2009 recommendations (O 1321-10) .....	1677
---	------

**Tax Increment Financing Agreement (TIF)**

Economic Development — Rockwell Property — 1403 East 6th Street (interior renovation) (O 1415-10) ..... 1673

**Utilities Department**

2010 & 2011 Annual Reports — professional services (O 1026-10) ..... 1690  
 Agreements — TRI-C's Smart Grid Technology training program (O 1028-10) ..... 1690  
 Cleveland Housing Network — contracts — Water Division — affordability program (O 1025-10) ..... 1690  
 Contract — CPP substation test equipment (O 1183-10) ..... 1694  
 Transfer PPN 129-05-048 — Mt. Overlook Ave. — Comm. Dev. (O 1027-10) ..... 1676

**Ward 01**

Malone, Jonathan L. — condolence (R 1435-10) ..... 1672

**Ward 02**

East 131st St., 4005-07 — objection to transfer of ownership — liquor permit (R 1379-10) ..... 1685  
 Nelson Ave., 10805 — PPN 136-04-021 — Land Reutilization Program — Ella M. Settles (O 1073-10) ..... 1692

**Ward 03**

Clark Field — Change the Use District — Open Space and Recreation District — City Planning Commission (O 734-10) ..... 1689  
 Clinton Ave., 2800 — transfer of ownership application — liquor permit (F 1423-10) ..... 1671  
 Dodson & Associates — Contract No. PI 2010000000019 — North Point Transitional Housing — 1550 Superior Ave. (O 1416-10) ..... 1676  
 East 3rd St. & Summit Ave. — intention to vacate a portion — City Planning Commission — Service Department (R 1487-09) ..... 1681  
 East 9th St., 1301 — objection to transfer of Liquor License — liquor permit (R 1373-10) ..... 1683  
 Economic Development — Tax Increment Financing Agreement — Rockwell Property — 1403 East 6th Street (interior renovation) (O 1415-10) ..... 1673  
 Emerald Development and Economic Network, Inc. (EDEN) — recognition (R 1442-10) ..... 1672  
 Holmden Ave., (south) — Change the Use District — Two Family Residential District — City Planning Commission (O 730-10) ..... 1686  
 Julka, Anand “ Bill” — recognition (R 1441-10) ..... 1672  
 Kenilworth Ave., Starkweather Ave., West 11th St., and W. 14th St. — Change the Use District — Open Space and Recreation District — City Planning Commission (O 733-10) ..... 1688  
 Lakeside Ave., 3232 (Bsmt.) — withdraw objection to renewal — repeal Res. 1115-10 (R 1374-10) ..... 1684  
 Live-Work Overlay District — expand — between E. 40th St. & E. 49th St. north of Saint Clair Ave. (O 1418-10) ..... 1674  
 Professor St. & Starkweather Ave. — Change the Use District — Local Retail Business — City Planning Commission (O 732-10) ..... 1687  
 Public Sq., 75 (Unit 101, 1st. fl. rear) — withdraw objection to transfer of ownership & issuance — repeal Res. 942-10 — liquor permit (R 1375-10) ..... 1684  
 Rowley Ave. & West 11th St. — Change Use District — Two Family Residential to Local Retail Business — City Planning Commission (O 1076-10) ..... 1692  
 Valley view Homes Hope VI, Phase 1 — Plats (F 1430-10) ..... 1672  
 West 14th St., 3074 — transfer of ownership and location application — liquor permit (F 1421-10) ..... 1671  
 West 6th St. (between Frankfort Ave. & St. Clair Ave.) — encroach into right-of-way — maintaining steel railings around 7 existing planting beds — Historic Warehouse District Development Corp. — Service Department (O 1031-10) ..... 1691  
 West 6th St., 1378 — transfer of ownership application — liquor permit (F 1422-10) ..... 1671

**Ward 04**

East 104th St. — intention to vacate a portion — City Planning Commission — Service Department (O 1024-10) ..... 1690  
 East 92nd St. — PPN 126-23-019 — Land Reutilization Program — Micelli-LoGrasso Development, LLC. (O 1417-10) ..... 1673  
 Urging New York Community Bank to reconsider closing Ohio Savings Bank branch (Larchmere & North Moreland Blvd.) (R 1369-10) ..... 1682

**Ward 05**

Apply for Issue 1 for SR 87 — Woodland Ave., Madison Ave. and Cedar Ave. street rehabilitation projects (O 1199-10) ..... 1695  
 Cedar Ave., 7002 — withdraw objection to transfer of Liquor License — repeal Res. 1063-10 — liquor permit (R 1376-10) ..... 1684  
 Central Ave., 7401-05 — withdraw objection to transfer of ownership & Liquor Agency Contract — repeal Res. 1088-10 — liquor permit (R 1377-10) ..... 1684  
 East 93rd St., 3560 — withdraw objection to renewal — repeal Res. 944-10 — liquor permit (R 1378-10) ..... 1685

**Ward 06**

Brown, Jeffrey Scott — condolence (R 1434-10) .....	1672
East 116th St., 3705 — stock transfer application — liquor permit (F 1424-10) .....	1671
East 87th St., — PPN 119-32-128 — Land Reutilization Program — Alfred Fluker & Barbara Thompkins (O 1186-10) .....	1677
East 93rd St., 3280 — new application — liquor permit (F 1425-10) .....	1671
Utilities Dept. — transfer PPN 129-05-048 — Mt. Overlook Ave. — Comm. Dev. (O 1027-10) .....	1676

**Ward 07**

Establish Superior Avenue Design Review District (O 1077-10) .....	<b>1693</b>
Wade Park Ave., 9200 (Unit A 30/40 only) — stock transfer application — liquor permit (F 1426-10) .....	1671

**Ward 08**

East 51st St., 1374 — encroach into right-of-way — entrance canopy and two support posts — Ohio Technical College — Service Department (O 1030-10) .....	<b>1691</b>
Establish Superior Avenue Design Review District (O 1077-10) .....	<b>1693</b>
Gill, Jr., George A. — congratulations (R 1436-10) .....	1672
Sullivan, Alyce L. — condolence (R 1433-10) .....	1672

**Ward 09**

East 118th St. & Euclid Ave. — Circle 118 Subdivision No. 1 (Review and Approval) — Plats (F 1431-10) .....	1672
--	------

**Ward 10**

Apply & Accept Clean Ohio Assistance Fund Grant — contracts — Forest City Land Group (O 1188-10) .....	<b>1694</b>
---	-------------

**Ward 11**

East 185th St., 1015 — transfer of ownership application — liquor permit (F 1427-10) .....	1671
--	------

**Ward 13**

Big Creek Watershed Balanced Growth Plan (R 1370-10) .....	<b>1682</b>
Broadview Rd., 3314 (1st. fl. & bsmt.) — transfer of ownership application — liquor permit (F 1428-10) .....	1672
Nielson, J. Christopher — congratulations (R 1443-10) .....	1672

**Ward 14**

Big Creek Watershed Balanced Growth Plan (R 1370-10) .....	<b>1682</b>
Scranton Rd., 3101 — transfer of ownership application — liquor permit (F 1429-10) .....	1672

**Ward 15**

Clark Ave., 5110 — withdraw objection to issuance & transfer of ownership — repeal Res. 1266-10, 1267-10 & 958-10 — liquor permit (R 1381-10) .....	<b>1685</b>
Nielson, J. Christopher — congratulations (R 1443-10) .....	1672

**Ward 16**

Barrett, Tim — congratulations (R 1437-10) .....	1672
Nielson, J. Christopher — congratulations (R 1443-10) .....	1672
Piccirillo, Frank — congratulations (R 1438-10) .....	1672
Stanhope Ct. N. W., — intention to vacate a portion — City Planning Commission — Service Department (R 1032-10) .....	<b>1682</b>

**Ward 17**

West 117th St., 3654 — objection to transfer of Liquor License — liquor permit (R 1372-10) .....	<b>1683</b>
--	-------------

**Ward 18**

“Cleveland Culinary Celebration Week” & The Fabulous Food Show — recognition (R 1440-10) .....	1672
Nielson, J. Christopher — congratulations (R 1443-10) .....	1672
Vocational Guidance Services — recognition (R 1439-10) .....	1672

**Ward 19**

Kamm's Corners Design Review District — expand — Triskett Rd., West 140th St. and Lakewood Heights Boulevard (Ward 19) (O 1419-10)..... 1675

**Water Division**

Cleveland Housing Network — contracts — affordability program (O 1025-10) ..... 1690  
 Financial statement assessment, 2010 — Audits — Clark Schaefer Hackett — Taxation Division (O 1322-10) ..... 1696

**Zoning**

Clark Field — Change the Use District — Open Space and Recreation District — City Planning Commission (Ward 03) (O 734-10) ..... 1689  
 Holmden Ave., (south) — Change the Use District — Two Family Residential District — City Planning Commission (Ward 03) (O.730-10) ..... 1686  
 Kamm's Corners Design Review District — expand — Triskett Rd., West 140th St. and Lakewood Heights Boulevard (Ward 19) (O 1419-10)..... 1675  
 Kenilworth Ave., Starkweather Ave., West 11th St., and W. 14th St. — Change the Use District — Open Space and Recreation District — City Planning Commission (Ward 03) (O 733-10) ..... 1688  
 Live-Work Overlay District — expand — between E. 40th St. & E. 49th St. north of Saint Clair Ave. (Ward 03) (O 1418-10)..... 1674  
 Professor St. & Starkweather Ave. — Change the Use District — Local Retail Business — City Planning Commission (Ward 03) (O 732-10) ..... 1687  
 Rowley Ave. & West 11th St. — Change Use District — Two Family Residential to Local Retail Business — City Planning Commission (Ward 03) (O 1076-10)..... 1692

**Zoning Code**

Moratorium on Internet Sweepstakes Operations (O 1367-10) ..... 1697