

The City Record

Official Publication of the Council of the City of Cleveland



September the Fifteenth, Two Thousand and Ten

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

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

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

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

Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, SEPTEMBER 15, 2010

No. 5049

CITY COUNCIL

MONDAY, SEPTEMBER 13, 2010

1. The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

Pruitt, Westbrook, Zone.

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, September 13, 2010

The meeting of the Council was
called to order, The President, Mar-

tin 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; Natoya J. Walker Minor, Chief of Public Affairs; Andrea V. Taylor, Press Secretary; Andrew Watterson, Chief of Sustainability; and Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Griffin, Brown, Ambroz, Nichols, Fumich, Interim Director John D. Mahone and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Grady Stevenson of Damascus Road Ministries, 9115 Harvard Avenue located in Ward 2. Pledge of Allegiance.

MOTION

On the motion of Council Member Pruitt, the reading of the minutes of the last meeting was dispensed with and the Clerk was instructed to correct the journal of the August 18, 2010, meeting of the Council (City Record Volume 97, page 1317), to reflect the correct printing of Ordinance No. 1042-10 as it appears in the First Reading Emergency Ordinances Read in Full and Passed portion by striking Ordinance No. 1042-10 in its entirety and inserting the following:

Ord. No. 1042-10.

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

An emergency ordinance to amend Section 45 of Ordinance No. 947-08, passed June 9, 2008, as amended by various ordinance, relating to compensation for various classifications.

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 45 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 1265-09, passed September 14, 2009, and Ordinance No. 1753-09, passed November 30, 2009, is amended to read as follows:

Section 45. Hourly Rate - Building & Construction Trades Council

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

		Effective Date	Minimum	Maximum
1.	Asbestos Worker.....	5/1/10	\$40.40	\$50.50
2.	Boiler Maker.....	7/1/10	\$43.57	\$54.46
3.	Bricklayer.....	5/1/10	\$34.19	\$42.74
4.	Bricklayer Foreman.....	5/1/10	\$35.44	\$43.74
5.	Carpenter.....	5/1/10	\$33.88	\$42.35
6.	Carpenter Foreman.....	5/1/10	\$35.13	\$42.35
7.	Carpenter Apprentice.....	5/1/10	\$14.45	\$18.06
8.	Cement Finisher.....	5/1/10	\$34.41	\$43.01
9.	Cement Finisher Foreman.....	5/1/10	\$35.66	\$43.76
10.	Electrical Worker.....	5/1/10	\$41.84	\$52.30
11.	Electrical Worker Foreman.....	5/1/10	\$43.09	\$52.30
12.	Glazier.....	5/1/10	\$33.06	\$41.32
13.	Ironworker.....	8/1/10	\$38.29	\$47.86
14.	Ironworker Foreman.....	8/1/10	\$39.54	\$50.36
15.	Painter.....	6/1/10	\$30.02	\$37.53
16.	Painter - Apprentice.....	6/1/10	\$14.46	\$18.06
17.	Painter Foreman.....	6/1/10	\$31.27	\$39.02
18.	Pipefitter (Welder).....	5/1/10	\$40.42	\$50.52
19.	Pipefitter Foreman.....	5/1/10	\$40.67	\$41.67
20.	Plasterer.....	5/1/10	\$33.45	\$41.81
21.	Plasterer Foreman.....	5/1/10	\$34.70	\$42.81
22.	Plumber (Welder).....	5/1/10	\$41.34	\$51.68
23.	Plumber Foreman.....	5/1/10	\$42.59	\$53.18
24.	Roofer.....	5/1/10	\$34.60	\$43.25
25.	Sheet Metal Worker.....	5/1/10	\$40.18	\$50.23
26.	Sheet Metal Worker Foreman.....	5/1/10	\$41.43	\$50.23

Section 2. That Section 45 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 1265-09, passed September 14, 2009, and Ordinance No. 1753-09, passed November 30, 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.

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.

And, further, that the Clerk be instructed to re-publish the final printing of this legislation in the next available City Record. Seconded by Council Member Martin J. Keane.

**FROM THE DEPARTMENT OF
OF LIQUOR CONTROL**

File No. 1210-10.

Re: #0378240 — C1, C2, D6 Stock Transfer Application - Bains & Kala, Inc., d.b.a. DS Beverage, 2118 Broadview Road. (Ward 3). Received.

File No. 1211-10.

Re: #1544337 — C1, C2, Transfer of Ownership Application - Cleveland A-1 Market, Inc., d.b.a. Neighbors Choice, 383 East 156th Street. (Ward 11). Received.

File No. 1212-10.

Re: #65491600002 — D5 Transfer of Ownership and Location Application - 1624 Superior Avenue, Inc. & Patio, 19800 S. Waterloo Road. (Ward 11). Received.

File No. 1213-10.

Re: #73935330760 — C1, New Application - Riser Foods Company, d.b.a. Ridge Road Get Go, 3361, 5941 Ridge Road. (Ward 13). Received.

File No. 1214-10.

Re: #8457477 — C1, C2, Transfer of Ownership Application - Sranan, LLC, 3691 West 150th Street. (Ward 16). Received.

File No. 1215-10.

Re: #7146940 — D1, D2X, D3 Transfer of Ownership Application - RG Max Enterprises, LLC, 3670 West

130th Street, 1st fl only, (Ward 18). Received.

File No. 1216-10.

Re: #7117308 — C1, C2 Transfer of Ownership Application - Puritas Food & Beverage, Inc., d.b.a. Puritas Food & Beverage, 14939 Puritas Avenue. (Ward 18). Received.

File No. 1217-10.

Re: #8915148 — D5 Transfer of Ownership Application - 3MA, Inc., d.b.a. Throw Backs, 16612 Lorain Avenue. (Ward 19). Received.

**STATEMENT OF FINAL
ACCEPTANCE**

File No. 1218-10.

From Director of Public Utilities — Contract No. 69115 with Terrance Construction Company, Inc. for the improvement of Cleaning and Cement Mortar Lining distribution Mains - Area 2009-B. Received.

File No. 1219-10.

From Director of Public Utilities — Contract No. 69344 with Terrance Construction Company, Inc. for the improvement of Water Main Replacements on Onaway and Chesterton Roads. Received.

File No. 1220-10.

From Director of Public Utilities — Contract No. 66331 with Gateway Electric Co for the improvement of Nottingham FRW Pump Controls Project. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1197-10—Inez Thompkins, RN.

Res. No. 1221-10—Mercelite M. Flake.

Res. No. 1222-10—Arnell Caldoania Jenkins.

Res. No. 1223-10—Elnora Smith.

Res. No. 1224-10—Charles Billingslea.

Res. No. 1225-10—Jernell (Johnson) Griffin.

Res. No. 1226-10—Travis Emilio Hemans, Jr.

Res. No. 1227-10—Dorothy Lee (Rhynes) Williams.

Res. No. 1228-10—Loretta Mae White.

Res. No. 1229-10—Rachel Lee Pempton.

Res. No. 1230-10—Estelle Shorter Holmes.

CONGRATULATION RESOLUTIONS

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

Res. No. 1231-10—PFLAG Cleveland.

Res. No. 1232-10—Carnegie West Branch, Cleveland Public Library.

Res. No. 1233-10—Old Stone Church — 190th Anniversary.

Res. No. 1234-10—Fr. John J. Cregan.

Res. No. 1235-10—Joseph Stephen Pavlik.

Res. No. 1236-10—SNPJ Lodge No. 142, Mirna Raj.

Res. No. 1237-10—Kevin J. McDonough.

Res. No. 1238-10—Detective Norman Griffin, Badge #1899.

Res. No. 1239-10—Tim Wells.

Res. No. 1240-10—Ellie Schambach

Res. No. 1241-10—Nicholas D. Frankovits.

Res. No. 1242-10—Daniel Hardermarsky.

Res. No. 1243-10—Ellen (DePuy) Standafer.

Res. No. 1244-10—Bruce Wirtanen

Res. No. 1245-10—Dan Fuller.

Res. No. 1246-10—Myrtha Crawford Overstreet

Res. No. 1247-10—Matthew P. & Betsy V. Figgie.

Res. No. 1248-10—ORCA House, Inc. - 60th Anniversary.

RESOLUTIONS OF RECOGNITION

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

Res. No. 1249-10—Levert Stuart.

Res. No. 1250-10—National Hispanic Heritage Month.

Res. No. 1251-10—Terence Dever.

Res. No. 1252-10—Family Violence Prevention Week.

Res. No. 1253-10—Bicentennial Advisory Committee for Cuyahoga County.

Res. No. 1254-10—Ron Taylor.

APPRECIATION RESOLUTIONS

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

Res. No. 1255-10—Neighborhood Family Practice.

Res. No. 1256-10—Sarah Gyorki.

COMMEMORATION RESOLUTIONS

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

Res. No. 1257-10—Dr. Joseph A. Bauer, Jr.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1180-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the second option to renew Contract No. 68392 with Dell, Inc. to provide computer hardware and software for the various divisions of City government.

Whereas, under the authority of Ordinance No. 269-08, passed March 10, 2008, the Director of Finance entered into Contract No. 68392 with Dell, Inc. to provide computer hardware and software for the various divisions of City government; and

Whereas, Ordinance No. 269-08 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. 68392 for an additional year, in the approximate amount of \$1,500,000 with Dell, Inc., for the requirements for an additional year of computer hardware and software, for the various divisions of City government. This ordinance constitutes the additional legislative authority required by Ordinance No. 269-08 to exercise this option.

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

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 1181-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1384-09, passed October 5, 2009, as amended by Ordinance No. 894-10, passed July 14, 2010, relating to designating the City of Cleveland as a recovery zone for the purpose of issuing recovery zone economic development bonds or recovery zone facility bonds and allocating the City's recovery zone facility bonds volume cap limitation to finance a portion of the costs of constructing the Flats East Development Project.

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

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

Section 1. That Section 3 of Ordinance No. 1384-09, passed October 5, 2009, as amended by Ordinance No. 894-10, passed July 14, 2010, is amended to read as follows:

Section 3. That this Council authorizes the entire allocation of its Recovery Zone Facility Bond Volume Cap to Flats East Development LLC for the issuance of the Flats East Bonds to finance the Flats East Bank Project. This Council hereby authorizes the CPPA, SCPA, and Treasurer to issue Recovery Zone Facility Bonds for the Flats East Bank Project. This allocation is contingent upon bond counsel delivering a satisfactory opinion to the City that the issuance and use of proceeds of the Flats East Bonds comply with the requirements of the Code, including Code Sections 1400U-1 through 1400U-3, and the City being provided with satisfactory indemnification from any liability arising from the issuance of the bonds. This allocation will terminate on **December 31, 2010** unless the Flats East Bonds are issued on or before **December 31, 2010**.

Section 2. That existing Section 3 of Ordinance No. 1384-09, passed October 5, 2009, as amended by Ordinance No. 894-10, passed July 14, 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.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 1182-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, for the various divisions of City government, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with one option to renew for an additional one year period, exercisable by the Director of Finance, of the necessary items of ready mix concrete, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505 RL 2010-47)

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

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

Referred to Directors of Finance, Law; Committee on Finance.

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 transmis-

sion, 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.

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

Ord. No. 1184-10.

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 space in the North Cargo Facility Building at Cleveland Hopkins International Airport for operation of an air cargo facility, for the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Servisair USA, Inc. ("Lessee") for use and occupancy of approximately 3,675 square feet of space located in the North Cargo Facility Building at Cleveland Hopkins International Airport ("Leased Premises") for operation of an air cargo facility. The term of the Lease shall be for a two year period, with two one-year options to renew. 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 one-year 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 \$25,725.00, which is equal to \$7.00 per square foot, payable in monthly installments.

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.

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

Ord. No. 1185-10.

By Council Member Westbrook. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2062 West 98th Street to Cudell Improvement, Inc.

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 Cudell Improvement, Inc.

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

P. P. No. 005-23-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 30 in the Fleidner and Schmidt Re-Subdivision of part of F.R. Elliott's Allotment of part of Original Brooklyn Township Lot Nos. 12 and 13, as shown by the recorded plat of said Re-Subdivision of Volume 31 of Maps, Page 16 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 98th Street, and extending back equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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.

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 Alfred Fluker and Barbara Thompkins.

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

P. P. No. 119-32-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 408, and bounded and described as follows:

Beginning on the center line of East 87th Street (formerly Vienna Street) at a point 1323 feet Southerly (measured along said center line) from its point of intersection with the Southerly line of Cedar Avenue, S.E., (formerly Cedar Avenue); thence Westerly on a line at right angles with said center line of East 87th Street, 25 feet to a point on the Westerly line of East 87th Street and the principal place of beginning of premises herein described; thence Southerly along said Westerly line of East 87th Street, 40 feet; thence Westerly on a line at right angles with the Westerly line of East 87th Street, 149.35 feet; thence Northerly on a line parallel with said Westerly line of East 87th Street, 40 feet; thence Easterly 149.35 feet to the principal place of beginning and being further known as Sublot No. 28 in Whitaker and Harbaugh's proposed Subdivision of part of Original One Hundred Acre Lot No. 408, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public

interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 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 assessment assistance on the 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 assessment assistance on the 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.

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.

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

Ord. No. 1189-10.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more loan and forgivable loan agreements with MCPC, Inc., or its designee, to provide development assistance to partially finance the renovation and related costs associated with relocating their corporate headquarters to 1801 Superior Avenue, and certain other costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its August 20, 2010 Board Meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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, provided MCPC, Inc., or its designee, submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into one or more loan and forgivable loan agreements with MCPC, Inc., or its designee, to provide development assistance to partially finance the renovation and related costs associated with relocating their corporate headquarters to 1801 Superior Avenue, and certain other costs necessary to redevelop the property.

Section 2. That the terms of the loans shall be according to the terms set forth in the Summary contained in File No. 1189-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the total cost of the contracts, including forgivable and nonforgivable portions, shall not exceed \$1,000,000, and shall be paid from Fund Nos. 10 SF 541 and 17 SF 008, Request No. RQS 9501 RL 2010-162.

Section 4. That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to secure repayment of the loans. Any loan agreement, forgivable loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loans and to deposit the monies in Fund Nos. 10 SF 542 and 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan applications, closing and servicing of the loans. The fees shall be deposited to and expended from Fund Nos. 10 SF 526 and 17 SF 305, Loan Fees Fund.

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

Section 8. The contracts authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 1190-10.

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

An emergency ordinance to amend Section 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by various ordinances, relating to the creation of the Neighborhood Retail Assistance 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 Section 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by Ordinance No. 1826-07, passed December 3, 2007,

Ordinance No. 553-08, passed June 2, 2008, Ordinance No. 192-09, passed March 16, 2009, and Ordinance No. 606-10, passed June 7, 2010 are amended to read as follows:

Section 8. That the cost of each agreement shall not exceed \$40,000 and shall be paid from Fund Nos. **10 SF 502**, 10 SF 526 and 17 SF 006, which funds are appropriated for this use. Request No. RQS 9501 RL 2010-95 and **RQS 9501 RL 2010-161.**

Section 2. That existing Section 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by Ordinance No. 1826-07, passed December 3, 2007, Ordinance No. 553-08, passed June 2, 2008, Ordinance No. 192-09, passed March 16, 2009, and Ordinance No. 606-10, passed June 7, 2010 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1191-10.

By Council Member Mitchell. An emergency ordinance designating the Langston Hughes House as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Langston Hughes House as a landmark; and

Whereas, the owner of the Langston Hughes House has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Langston Hughes House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Langston Hughes House, whose street address in the City of Cleveland is 2266 East 86th Street, Cuyahoga County Auditor's Permanent Parcel Number is 119-30-066, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being the Southerly 31 feet from front to rear of Sublot Number 67 in A. J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot Number 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records and being 31 feet front on the Westerly side of East 86th Street (formerly Beechwood Street) and extending back of equal width of 94 feet, as appears by said plat, be the same more or less, but subject to all legal highways,

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

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

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

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

Ord. No. 1192-10.

By Council Member Polensek. An emergency ordinance designating Beachland Presbyterian Church as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Beachland Presbyterian Church as a landmark; and

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

Whereas, the Commission has recommended designation of Beachland Presbyterian Church as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Beachland Presbyterian Church, whose street addresses in the City of Cleveland are 18100 Canterbury Road, N. E., and 18109 Cornwall Road, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 114-11-076, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of Sublot Number 72 in the Beachland Allotment as shown by the recorded plat in Volume 26, Page 2 of Cuyahoga County map records and all of that portion of Canterbury Road and Cornwall Road vacated by the Council of the City of Cleveland by Ordinance Number 364-56 passed March 19, 1956.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

which in its entirety is a property having special character or special historical or aesthetic value as part

of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 1193-10.

By Council Member Polensek.

An emergency ordinance designating Nottingham United Methodist Church as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Nottingham United Methodist Church as a landmark; and

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

Whereas, the Commission has recommended designation of Nottingham United Methodist Church as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Nottingham United Methodist Church, whose street addresses in the City of Cleveland are 18316-26 St. Clair Avenue, N. E., and 18301 Melville Road, N. E., Cuyahoga County Auditor's Permanent Parcel Numbers are 116-31-013 and 116-31-014, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Euclid Township Tract Number 15 and bounded and described as follows:

a.) Beginning on the Southeastern line of St. Clair Avenue, N. E., (60 feet wide) at its intersection with the Northeastern line of land conveyed to Richard Stacey by deed dated July 20, 1885, and recorded in Volume 381, Page 621 of Cuyahoga County Records; thence Southwesterly along the Southeastern line of St. Clair Avenue, N. E., about 72.60 feet to the Southwesterly line of land conveyed to Richard Stacey as aforesaid; thence Southeasterly along the Southwesterly line of land so conveyed to Richard Stacey, about 200 feet to the most Westerly corner of land conveyed to Frank L. Martino and Rose A. Martino by deed dated June 26, 1950, and recorded in Volume 7033, Page 702 of Cuyahoga County Records; thence Northeastern along the Northwest-

erly line of land so conveyed to Frank L. and Rose A. Martino, about 72.28 feet to the Northeastern line of land conveyed to Richard Stacey as first aforesaid; thence Northwesterly along the Northeastern line of land so conveyed to Richard Stacey, to the place of beginning, be the same more or less, but subject to all legal highways, and

b.) Beginning on the Southeastern line of St. Clair Avenue, N. E., (60 feet wide) at the most Northerly corner of land conveyed to Sarah R. Woodruff and Luman T. Jones, by Deed dated April 29, 1891, and recorded in Volume 493, Page 297 of Cuyahoga County Records; thence Southwesterly along the Southeastern line of St. Clair Avenue, N. E., 120 feet to the Northeastern line of Melville Road, N. E., (50 feet wide); thence Southeasterly along the Northeastern line of Melville Road, N. E., 138.84 feet to a point distant 50 feet Northwesterly, measured along the Northeastern line of Melville Road, N. E., from the most Westerly corner of land conveyed to George Luikart, by Deed dated April 5, 1895, and recorded in Volume 598, Page 551 of Cuyahoga County Records; thence Northeastern, and parallel with the Northwesterly line of land so conveyed to George Luikart, about 119 feet to the Northeastern line of land conveyed to Sarah R. Woodruff and Luman T. Jones, as aforesaid; thence Northwesterly, along the Northeastern line of land so conveyed, 150 feet to the place of beginning, be the same more or less, but subject to all legal highways,

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

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

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

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

Ord. No. 1194-10.

By Council Member Polensek.

An emergency ordinance designating Tabernacle Baptist Church as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Tabernacle Baptist Church as a landmark; and

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

Whereas, the Commission has recommended designation of Tabernacle Baptist Church as a landmark and has set forth certain findings of

fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Tabernacle Baptist Church, whose street addresses in the City of Cleveland are 326 East 156th Street and 15521 Macauley Avenue, N. E., Cuyahoga County Auditor's Permanent Parcel Number is 112-16-041, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being part of Original Euclid Township Tract 16 and bounded and described as follows:

Beginning on the Westerly line of East 156th Street (60 feet wide) at its intersection with the Northerly line of Macauley Avenue, N. E., (50 feet wide); thence Northerly along the Westerly line of said East 156th Street to the Northerly line of Sublot Number 100 in the Beach Grove Subdivision as shown by the recorded plat in Volume 49, Page 7 of Cuyahoga County map records; thence Westerly along the Northerly line of said Sublot Number 100 to the Northwesterly corner thereof; thence Southerly along the Westerly line of said Sublot Number 100 to the Southwesterly corner thereof, said point also being a Southeasterly corner of Sublot Number 132 in the Beach Grove Subdivision as aforesaid; thence Westerly along the Southerly line of said Sublot Number 132 about 17.76 feet to an interior corner thereof; thence Southerly along the Easterly line of said Sublot Number 132 to the Northerly line of Macauley Avenue as aforesaid; thence Easterly along the Northerly line of said Macauley Avenue about 150 feet to the place of beginning, Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

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

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

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

Ord. No. 1198-10.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 601.061, relating to the

imposition of strict criminal liability for offenses in the Building and Housing Codes that do not specify a degree of culpability.

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 Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Section 601.061 to read as follows:

Section 601.061 Strict Criminal Liability in Building and Housing Code Offenses

Notwithstanding any other section of the Codified Ordinances, when any section of the Building Code or Housing Code defining an offense does not specify any degree of culpability, then strict criminal liability shall apply and culpability is not required for the person to be guilty of the offense.

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 Building and Housing, Finance, Law; Committees on Community and Economic Development, Legislation, Finance.

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.

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

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.

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

Ord. No. 1201-10.

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

An emergency ordinance determining the method of making the

public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the Morgana East new housing project; authorizing the Directors of Community Development, Public Service or Public Utilities to enter into contract for the making of the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property and easements as are necessary to make the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the Morgana East new housing project, for the Departments of Community Development and Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

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

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

Section 5. That the Directors of Community Development and Public Service are authorized to execute on behalf of the City all documents necessary to acquire the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other

costs necessary for the acquisition of the real property or easements.

Section 6. That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 20 SF 379, 20 SF 393, 20 SF 505, and 20 SF 526, RQS 8006 RL 2010-170.

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

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

Ord. No. 1202-10.
By Council Members Cimperman, K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain space located within Willard Park to the Cuyahoga County Board of Developmental Disabilities for the purpose of establishing an urban garden to provide employment to adults with developmental disabilities, for a term of five years, with one five-year option to renew, exercisable by the Director of Parks, Recreation and Properties.

Whereas, the City of Cleveland owns certain space known as Willard Park; and

Whereas, the Cuyahoga County Board of Developmental Disabilities has proposed to lease a portion of the property from the City, for the purpose of establishing an urban garden to provide employment to adults with developmental disabilities, which is not needed for public use; 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Cuyahoga County Board of Developmental Disabilities ("Lessee"), approximately 3,050 square of property within Willard Park, for the purpose of establishing an urban garden to provide employment to adults with developmental disabilities, and is more fully depicted on the map placed in File No. 1202-10-A.

Section 2. That the term of the lease authorized by this ordinance shall not exceed five years, with one five-year option to renew, exercisable by the Director of Parks, Recreation and Properties.

Section 3. That the space authorized by this ordinance shall be leased at a cost of \$1,00, and other valuable considerations, which is determined to be fair market value by the Board of Control, exclusive of utilities.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

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

Ord. No. 1203-10.
By Council Member Brancatelli.

An emergency ordinance to amend Section 675.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 673-05, passed July 12, 2006, relating to time restriction for peddling door-to-door on residential property.

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

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

Section 1. That Section 675.09 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 673-05, passed July 12, 2006 is amended, respectively, as follows:

675.09 Regulations Governing Peddlers

(a) For purposes of this section: (1) "Merchandise" means goods, wares, merchandise, food, or beverages.

(2) "Street" means street, alley, highway, roadway, or avenue.

(b) No peddler shall sell or display merchandise:

(1) to the occupants of vehicles stopped in traffic;

(2) from any vehicle, structure, or device that is situated in any portion of a street which is designed or ordinarily used for vehicular travel; or

(3) at a location or in a manner that hinders or restricts access to a telephone booth, mail box, parking meter, police or fire call box, traffic control box, fire hydrant, or sidewalk elevator, or that blocks, obstructs, or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or streets.

(c) Unless the Director of Public Service makes a determination to the contrary, which determination is reflected in the location specified on a permit issued in accordance with this chapter, no peddler shall sell or display merchandise:

(1) at any location where the sidewalk is less than ten (10) feet in width;

(2) within ten (10) feet of a crosswalk;

(3) within that portion of a sidewalk bounded by the prolongation of each intersecting abutting property line to the respective curblines or within ten (10) feet thereof;

(4) within ten (10) feet of any doorway or the prolongation of any doorway width to the curbline; or

(5) within twenty (20) feet of another permitted location, provided however, that the distance between locations permitted pursuant to Section 675.06 shall be in accordance with the rules and regulations promulgated by the Director of Public Service pursuant to division (e) of Section 675.06.

(d) No peddler shall display merchandise or place lines or other devices for the display of merchandise on any building or on any utility pole, planter, tree, trash container, or other sidewalk fixture.

(e) A peddler who has received a permit to peddle upon private property shall not encroach into any street or sidewalk in any way.

(f) No peddler shall place any merchandise in or upon any street or sidewalk, and all peddlers shall exercise reasonable care to ensure that their merchandise, packaging, display equipment or other paraphernalia does not create a health or safety hazard to customers, other users of the sidewalks and streets, or persons on abutting property.

(g) No peddler shall engage in peddling door-to-door on residential property between the hours of 7:00 p.m. and 9:00 a.m.

(h) No peddler shall leave a vending device unattended at any time, leave a vending device on a sidewalk between the hours of midnight and 6:00 a.m., or conduct business on a sidewalk between those hours.

(i) A peddler who has received a permit to peddle on public property shall obey any lawful order of a police officer to remove himself and his vending device entirely from the sidewalk to avoid congestion or obstruction during an emergency.

(j) A peddler selling food from a vending device which is required by state law to have a food service operation license shall:

(1) serve only nonpotentially hazardous foods or commissary-wrapped foods maintained at proper temperatures, provided that if water systems and handwashing facilities are available, the peddler may prepare and serve frankfurters and pre-cooked sausages;

(2) operate only from a licensed commissary to which the peddler takes the vending device daily for cleaning and servicing.

(k) No peddler shall:

(1) cook food in or on a street or sidewalk;

(2) conduct business without making available a container suitable for the placement of litter; or

(3) throw or deposit any merchandise, packaging, containers, fat, grease, paper or other litter on any streets or sidewalk or in any sewer.

(l) A peddler who is required to move continuously from place to place shall locate any vending device, equipment and merchandise adjacent and parallel to a curb when stopped for a sale.

(m) No peddler shall make any loud or unreasonable noise for the purpose of advertising or drawing attention to merchandise or for any other purpose.

(n) All peddlers shall comply with all requirements of state and local law applicable to them, including without limitation the City's Fire Code.

(o) No person shall peddle frozen desserts within the City who has been convicted of or pled guilty to any of the following criminal offenses:

(1) any offense involving a minor;

(2) any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;

(3) any assault within seven years after service of sentence after conviction or guilty plea; and

(4) unlawful possession of weapons within five years after conviction or guilty plea; and

(5) any homicide offense in Ohio Revised Code Chapter 2903 or any substantially similar homicide offense under any municipal or state law.

(p) Any applicant for a license or permit under this Chapter to peddle frozen desserts shall list on the application their name, address, date of birth, and social security number, and shall provide an affidavit stating that the applicant has not been convicted of or pled guilty to any of the criminal offenses listed in subdivision (n). Any employer applying for a permit to peddle frozen desserts shall list the name, address, date of birth, and social security number of each employee or person who will be peddling frozen desserts.

(q) The Commissioner of Assessments and Licenses shall refuse to grant a license or permit under this Chapter to peddle frozen desserts or shall revoke a license or permit under this Chapter to peddle frozen desserts, for any one or more of the following reasons:

(1) the applicant has been convicted of or pled guilty to any criminal offense involving a minor or any other criminal offense listed in division (n);

(2) the applicant fails to provide the information required by division (n);

(3) the applicant makes or made a false statement in the license or permit application;

(4) the applicant fails to report a conviction that occurs during the license or permit period; or

(5) There shall be no peddling of frozen desserts after 9:00 p.m.

(r) No person shall peddle frozen desserts without posting the permit in a conspicuous location in each vehicle used to peddle frozen desserts.

(s) On every permit to peddle frozen desserts, the Commissioner of Assessments and Licenses shall list the name of each employee or individual authorized to peddle frozen desserts on behalf of the applicant.

Section 2. That existing Section 675.09 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 673-05, passed July 12, 2006 is 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 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; Committees on Legislation, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1187-10.
By Council Members Westbrook, Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of stabilizing the former Fifth Church of Christ building located at 11623 Lake Avenue; and authorizing the Director of Community Development to enter into one or more public improvement contracts for the making of the improvement; and authorizing the director to employ one or more professional consultants necessary to perform architectural services, and to perform environmental assessment and remediation services.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of stabilizing the former Fifth Church of Christ building located at 11623 Lake Avenue, including but not limited to, replacing the roof and deck, making structural, masonry, electrical, and plumbing improvements, and asbestos removal ("Improvement"), for the Department of Community Development, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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

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

Section 4. That the Director of Community Development 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 architectural services necessary to implement the Improvement.

Section 5. That the Director of Community Development 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 various environmental assessment and remediation services to the building, including but not

limited to asbestos removal, necessary to implement the Improvement.

Section 6. The selection of the consultants for the professional services listed in this ordinance shall be made by the Board of Control on the nomination of the Director of Community Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Community Development 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 Community Development, and certified by the Director of Finance.

Section 7. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, and 20 SF 533, Request No. RQS 8006 RL 2010-167.

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.

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.

Ord. No. 1195-10.
By Council Member Conwell.
An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Ada Reid to engage in peddling at 11901 Durant Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of to engage in peddling to Anita Lillard outside of the Central Business District, and has determined that it is in the public interest to allow Anita Lillard peddle in Ward 9; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Ada Reid to engage in mobile peddling in the public rights of way of Ward 9 at Church 11901 Durant Avenue (Patrick Henry Football Field).

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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.

Ord. No. 1204-10.

By Council Member Conwell.
An emergency ordinance authorizing the Director of the Department of Economic Development to enter into an agreement with Green's Barber Shop for exterior building renovations through the use of Ward 9 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Economic Development be authorized to enter into an agreement with Green's Barber Shop, located at 12424 Superior Avenue, Cleveland, Ohio for exterior building renovations for the public purpose of promoting economic development and new job creation in the city of Cleveland through the use of Ward 9 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$4,161 and shall be paid from Fund No. 10 SF 177.

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

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

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

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

Ord. No. 1205-10.

By Council Member Pruitt.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Harvard Community Service Center for a Senior Citizen Home Caregiver Program through the use of Ward 1 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective August 14, 2010 with the Harvard Community Ser-

vice Center for the Senior Citizen Home Caregiver Program for the public purpose of providing assistance and support to the elderly population that is residing in the city of Cleveland through the use of Ward 1 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$12,600 and shall be paid from Fund No. 10 SF 177.

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

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

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

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

Ord. No. 1206-10.

By Council Members Sweeney, Pruitt and Conwell.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 936-10 passed July 14, 2010 as it pertains to the African American Music Association, Inc for the Basketball Education and Recreation Program through the use of Wards 18, 1 and 9 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 936-10 passed July 14, 2010 is hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Public Health Department to enter into agreement with the African American Music Association, Inc, for a Health Education and Healthy Exercise Program through the use of Ward(s) 18, 1 and 9 Neighborhood Equity Funds.

Section 1. That the Director of the Public Health Department is authorized to enter into an agreement with the African American Music Association, Inc, effective September 20, 2010 for the Health Education and Healthy Exercise Program for the public purpose of providing health education and healthy recreational activities for city of Cleveland youth through the use of Wards 18, 1 and 9 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 936-10 passed July 14, 2010 are 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.

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.

Ord. No. 1207-10.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 33rd Annual "Walk of Hope", on October 2, 2010, sponsored by the Catholic Charities Disability Services and Ministries.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 33rd Annual "Walk of Hope," sponsored by the Catholic Charities Disability Services and Ministries, on October 2, 2010, leave OLA/St. Joseph Center parking lot on Kenilworth; head east on Kenilworth to W. 11th Street; turn right on W. 11th to Starkweather; turn right on Starkweather to W. 14th Street; turn right on W. 14th to Kenilworth; turn right on Kenilworth to W. 11th; turn left onto W. 11th and walk to University Road; turn right on to University and walk to W. 10th Street; turn right on to W. 10th and walk to stop sign; veer left on to Professor Avenue—staying on the right hand side of the street and walk to Jefferson; turn right on to Jefferson and walk to Starkweather—cross W. 14th to the west side of W. 14th; turn right on to W. 14th Street—cross Kenilworth and return to OLA/St. Joseph Center on the left, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1196-10.

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

An emergency resolution declaring the necessity and intention to appropriate a temporary construction easement for public use in connection with the replacement of East 93rd Street, including the East 93rd Street bridge.

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 for the public purpose of requiring a temporary construction easement to be used in connection with replacing East 93rd Street, including the East 93rd Street bridge, it is necessary to appropriate, and this Council declares its intent to appropriate, the temporary construction easement in and at the following location:

PARCEL 2-T
 CUY-EAST 93RD STREET
 TEMPORARY EASEMENT FOR
 THE PURPOSE OF
 PERFORMING THE WORK
 NECESSARY FOR THE
 REHABILITATION OF THE EAST
 93RD STREET BRIDGE
 OVER GCRTA AND NORFOLK
 SOUTHERN RAILROADS
 FOR 24 MONTHS FROM THE
 DATE OF ENTRY BY THE
 CITY OF CLEVELAND,
 CUYAHOGA COUNTY, OHIO
 Being a parcel of land situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being a part of Original 100 Acre Lot No. 416 more definitely described as follows:

Commencing at the intersection of the centerline of right of way of East 93rd Street and the centerline of Nevada Avenue; said point being at East 93rd Street centerline Station 3 + 27.18;

Thence North 00° 25' 04" West in the centerline of East 93rd Street, 203.23 feet to a point;

Thence South 89° 34' 56" West, 30.00 feet to a point 30.00 feet Left of Station 5 + 30.41; said point being the point of beginning for the easement herein described;

Thence South 89° 36' 32" West, 7.12 feet to a point 37.12 feet Left of Station 5 + 30.42;

Thence North 00° 23' 28" West, 41.99 feet to a point 37.10 feet Left of Station 5 + 72.41;

Thence North 89° 22' 10" East, 3.19 feet to a point 33.91 feet Left of Station 5 + 72.42;

Thence North 00° 32' 22" West, 62.84 feet to a point 34.05 feet Left of Station 6 + 35.26;

Thence South 89° 40' 32" West, 110.82 feet to a point 144.87 feet Left of Station 6 + 35.44;

Thence North 55° 25' 12" East, 102.66 feet to a point 59.92 feet Left of Station 6 + 93.09;

Thence South 34° 34' 48" East, 53.28 feet to a point 30.00 feet Left of Station 6 + 49.00;

Thence South 00° 25' 04" East in the westerly right of way line of East 93rd Street, 118.59 feet to the point of beginning;

Containing within said bounds 4073 sq. ft. or 0.0935 acre of land as calculated and described in April, 2010 by David L. Elwell, Professional Surveyor No. 6333, of KS Associates, Inc.

Basis of bearings: City of Cleveland C.R.G.S. monumentation.

Grantor claims title by Instrument No. 200810090144 of Cuyahoga County Land Records.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this

resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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

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

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

**Res. No. 1208-10.
 By Council Member Cimperman.
 An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit at 2121-23 East 2nd Street, 1st floor only, and repealing Resolution No. 671-10, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to PJ MAG Enterprises, Inc., DBA Cleats Gateway, 2121-23 East 2nd Street, 1st floor only, Cleveland, Ohio 44115, Permanent No. 5755530 by Resolution No. 671-10 adopted by the Council on May 17, 2010; and

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

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

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

Section 1. That objection to a transfer of ownership of a D5 and D6 Liquor Permit to PJ MAG Enterprises, Inc., DBA Cleats Gateway, 2121-23 East 2nd Street, 1st floor only, Cleveland, Ohio 44115, Permanent No. 5755530, be and the same is hereby withdrawn and Resolution No. 671-10, 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.

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

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

**Res. No. 1209-10.
 By Council Member Polensek.
 An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 383 East 156th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the

transfer of ownership of a C1 and C2 Liquor Permit from John Dimmian, 383 East 156th Street, Cleveland, Ohio 44110, Permanent Number 2175712 to Cleveland A-1 Market, Inc., DBA Neighbor's Choice, 383 East 156th Street, Cleveland, Ohio 44110, Permanent Number 1544337; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from John Dimmian, 383 East 156th Street, Cleveland, Ohio 44110, Permanent Number 2175712 to Cleveland A-1 Market, Inc., DBA Neighbor's Choice, 383 East 156th Street, Cleveland, Ohio 44110, Permanent Number 1544337; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING EMERGENCY
ORDINANCES PASSED****Ord. No. 879-10.**

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

An emergency ordinance to appropriate a standard highway easement for the public purpose of improving the turning radius at the intersection of Broadway and Harvard Avenues.

Approved by Directors of Public Service, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Service, City Planning, Finance.

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

Ord. No. 880-10.

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

An emergency ordinance to appropriate a temporary easement and property for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeast corner of East 88th Street and St. Catherine Avenue.

Approved by Directors of Public Service, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Service, City Planning, Finance.

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

Ord. No. 1033-10.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Commission on Minority Health for the 2011 Minority Health Program; and authorizing the Director to enter into one or more contracts with agencies, entities, or individuals to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, September 20, 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

September 8, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 8, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Director Triozzi, Acting Director Hruby, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Directors West, Thornton, Director Fumich, Acting Director Mahoney and Director Rybka.

Absent: Mayor Jackson.

Others: Deborah Midgett, Acting Commissioner, Purchases and Supplies.

Natoya Walker, Director, Office of Equal Opportunity.

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

Resolution No. 383-10.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of August, 2010 in the amount of \$19,603.30, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Director Triozzi, Acting Director Hruby, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Directors West, Thornton, Director Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 384-10.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Ohio Garment Rental, dba Coyne Textile Services, Inc. for an estimated quantity of rental and laundry of work clothing, all items, for the various divisions of City government, Department of Finance for a period of three years with two one-year options to renew for goods and services, received July 21, 2010 under the authority of Ordinance No. 666-10, passed May 24, 2010, which on the basis of the estimated quantity would amount to \$199,999.50 is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in a sum not less than \$9,999.98. The requirement contract shall further provide that the Con-

tractor shall furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Be it further resolved that according to Section 181.25(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by Ohio Garment Rental, dba Coyne Textile Services, Inc. in the amount of \$9,885.29, which is less than 10% of the amount required under Section 181.24 C.O., is waived for the reason that such waiver is in the public interest.

Yeas: Director Triozzi, Acting Director Hruby, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Directors West, Thornton, Director Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 385-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 19, 2010, for labor and materials necessary to repair and maintain pump stations, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Section 181.101 of Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Director Triozzi, Acting Director Hruby, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Directors West, Thornton, Director Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 386-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Stahl Gear and Machine Co. for an estimated quantity of large and special pinion, ring and worm gears, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on June 9, 2010 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$336,400.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in a sum not less than \$137,070.00.

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

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

Director H. Smith, Directors Cox, Rush, Acting Directors West, Thornton, Director Fumich, Acting Director Mahoney and Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 387-10.

By Director Cox.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of SONA Construction LLC (CSB), for the public improvement of Generator Improvements at the Rockefeller Greenhouse and Urban Forestry Office, Package A Base Bid and Alternate Items E-1 and E-2, and Package B Base Bid, and Contingency Allowances, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 15, 2010, under the authority of Ordinance No. 597-09, passed on June 8, 2009, upon a gross price basis for the improvement in the aggregate amount of \$93,502.50, is affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by SONA Construction LLC (CSB) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
M. Rivera Construction (CSB/MBE)	\$16,000.00 17.185%
Lakeland Electric Supply (CSB/FBE)	\$ 8,000.00 8.592%

Yeas: Director Triozzi, Acting Director Hruby, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Directors West, Thornton, Director Fumich, Acting Director Mahoney and Director Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 388-10.

By Directors Nichols and Rush.
Whereas, under the authority of Ordinance No. 797-10, passed June 7, 2010, as amended by Ordinance No. 1044-10, passed August 18, 2010 by the Council of the City of Cleveland, the Directors of Economic Development and Community Development ("Directors") and the Commissioner of Purchases and Supplies ("Commissioner") are authorized, to exchange certain City-owned property no longer needed for public use consisting of permanent parcel numbers 124-12-012, 124-12-013, 124-12-015, 124-12-020, 124-12-027, 124-12-038, 124-12-039, 124-12-040, 124-12-041, 124-12-089, 124-12-090, 124-12-091, and 124-12-092 ("City Property") for certain property owned by Pyrrhus, Inc. consisting of permanent parcel numbers 124-20-018, 124-20-019, 124-20-022, 124-20-023, 124-20-035, 124-20-052, 124-20-074, and 124-20-076 ("Pyrrhus Property"); and

Whereas, Ordinance No. 797-10, authorizes the Director of Law to prepare and the Mayor to execute, on behalf of the City, the Official Deed necessary to convey the Prop-

erty described in the Ordinance; and Whereas, Ordinance No. 797-10, as amended by Ordinance 1044-10, provided that the exchanges be conducted using fair market values as determined by the Board of Control; now, therefore

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 797-10, passed June 7, 2010, as amended by Ordinance No. 1044-10, passed August 18, 2010 the consideration for the transfer of the City Property to Pyrrhus, Inc., which is determined to be not less than the fair market value, is established as the following:

i) The value of the Pyrrhus Property consisting of permanent parcel numbers 124-20-018, 124-20-019, 124-20-022, 124-20-023, 124-20-035, 124-20-052, 124-20-074, and 124-20-076; and

ii) Such other terms and conditions, restrictions, and covenants as are deemed necessary or appropriate as may be specified by the Director of Community Development, Director of Economic Development, the Mayor, the Director of Law and other appropriate City officials.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed of the City of Cleveland conveying the Property.

Yeas: Director Triozzi, Acting Director Hruby, Directors Withers, R. Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Directors West, Thornton, Director Fumich, Acting 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.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 27, 2010

9:30 A.M.

Calendar No. 10-145: 3870 West 25th Street aka Pearl Road (Ward 14)

Frank J. Gallo appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Department of Building and Housing on October 6, 2009 for failure to complete interior and exterior alterations to a one-story new convenience store pursuant to Building Permit No. B171516 in accordance with Certificate of Appropriateness No. 04-011 issued by the Cleveland Landmarks Commission.

Calendar No. 10-148: 3207 West 65th Street (Ward 15)

Marc Wyman d.b.a. Aaromet Metal Recycling, owner, appeal to install a 6.6 foot high solid fence and to maintain an 8.9 foot high wall along the front yard of an approximate 105' x 290' lot in an Unrestricted Industry District; contrary to Section 358.03(a) that states no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height unless all portions of the fence above that height are at least 75 percent open and the same restrictions apply to any fence portion located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or street, if no sidewalk is present; and fences in actual front yards in an Unrestricted Industry District shall not exceed 6 feet in height pursuant to Section 358.05(a)(1) of the Cleveland Codified Ordinances.

Calendar No. 10-149: 2410 Scranton Road (Ward 14)

Ed Schmidt, owner, appeals to display vehicles in the front yard setback at an existing used car sales lot in a Semi-Industry District contrary to the limitations of Section 357.14 that prohibit the proposed encroachment within the established 10 foot building line setback along Scranton Road; and Sections 343.11(b)(2)(1)(4) require that all vehicles, advertising matter, structures movable or fixed must be kept back of a structurally sound barrier at least 18 inches high and located on or behind the setback building line; and a 4 foot wide frontage landscaped strip is required where the used car sales lot abuts Scranton Road, as stated in Section 352.10 of the Cleveland Codified Ordinances.

Calendar No. 10-155: 5905 Thackeray Avenue (Ward 5)

City of Cleveland, owner, and the Department of Community Development appeal to install 254 linear feet of 6 foot high chain link fence on one of three contiguous parcels located in a Multi-Family District contrary to ornamental fence that is required and a fence height exceeding 4 feet that is allowed in actual front yards in residential districts, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 10-156: 5911 Thackeray Avenue (Ward 5)
 City of Cleveland, owner, and the Department of Community Development appeal to install 100 linear feet of 6 foot high chain link fence on one of three contiguous parcels located in a Multi-Family District contrary to ornamental fence that is required and a fence height exceeding 4 feet that is allowed in actual front yards in residential districts, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 10-157: 5917 Thackeray Avenue (Ward 5)
 City of Cleveland, owner, and the Department of Community Development appeal to install 254 linear feet of 6 foot high chain link fence on one of three contiguous parcels located in a Multi-Family District contrary to ornamental fence that is required and a fence height exceeding 4 feet that is allowed in actual front yards in residential districts, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 10-158: 6401 Midtown Commerce Park Drive (Ward 5)
 Ardent Products Corporation, owner, appeal to establish a light industrial use with light warehousing on an acreage parcel located in zoning for Midtown Mixed Use District 1 and District 4; subject to the limitations of Section 344.04 the proposed use is not permitted in a Midtown Mixed Use District-1 and first allowed in a Midtown Mixed Use District-3; and a fence 6 feet high is proposed in the front yard setback along Midtown Commerce Park Drive where the maximum fence height within the front yard setback is 4 feet, according to Section 344.09(2)B of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 13, 2010

At the meeting of the Board of Zoning Appeals on Monday, September 13, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-141: 12800 Brookpark Road
 12800 Brookpark II, LLC appealed to erect a 672 square foot electronic changeable copy, freeway interchange sign 75 feet high on an acreage parcel in a General Industry District; subject to conditions.

Calendar No. 10-144: 18235 Euclid Avenue
 18235 Euclid LLC, owner, and Sherie Horton, tenant, appealed to establish use for an electronic sweepstakes amusement parlor in an existing retail space in a Shopping Center District.

The following appeal was **Withdrawn:**

Calendar No. 10-100: 1030 East 62nd Street
 Dobb, Inc., owner, appealed to change from a warehouse to a senior housing facility a two-story building in an RA (Residential Attached)-2 District.

The following appeals were **Dismissed:**

None

The following appeals were **Postponed:**

Calendar No. 10-136: 4610 Clark Avenue postponed to November 8, 2010.

Calendar No. 10-146: 3500 Payne Avenue postponed to October 4, 2010.

Calendar No. 10-129: 4219 Orchard Avenue postponed to October 25, 2010.

The following appeals heard by the Board on September 7, 2010 were adopted and approved on September 13, 2010.

The following appeals were **Approved:**

Calendar No. 10-140: 3298 West 126th Street
 Daniel Wigfall, owner, and Tracy Paxton, tenant, appealed to install a wheelchair lift to the front of a single family dwelling in a Two-Family District.

Calendar No. 10-142: 4780 West 130th Street
 Bellaire Puritas Development Corporation appealed to install 124 linear feet of 6 foot high chain link fence on a lot in a Local Retail Business District.

Calendar No. 10-143: 4790 West 130th Street
 City of Cleveland and Department of Community Development appealed to install 137 linear feet of 6 foot high chain link fence on a lot in a Local Retail Business District.

Calendar No. 10-124: 2214 Denison Avenue
 James J. Marconi Trust appealed to change a pattern shop in Building B to a vehicle repair and painting, a body shop, in a Multi-Family District; subject to conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, OCTOBER 14, 2010

File No. 146-2010 — Crown Chemical Systems Upgrade and Miscellaneous Improvements Project No. 599, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 270-08, passed by the Council of the City of Cleveland, May 5, 2008.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 17, 2010 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM 1ST FLOOR, 1201 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

September 8, 2010 and September 15, 2010

WEDNESDAY, OCTOBER 6, 2010

File No. 148-2010 — Criminal and Civil Filing System, for the Cleveland Municipal Court, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, SEPTEMBER 23, 2010 AT 11:00 A.M. CLEVELAND MUNICIPAL CLERK OF COURTS, JUSTICE CENTER, 1200 ONTARIO STREET, LEVEL TWO, CLEVELAND, OHIO 44113.

THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF

ANYONE WHO DOES NOT AT-TEND A MANDATORY PRE-BID CONFERENCE.

File No. 149-2010 — Automotive and Truck Parts and Service, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, SEPTEMBER 24, 2010 AT 11:00 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, WPC RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

September 15, 2010 and September 22, 2010

FRIDAY, OCTOBER 8, 2010

File No. 147-2010 — Toner Ink Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 867-10, passed by the Council of the City of Cleveland, August 18, 2010.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, SEPTEMBER 29, 2010 AT 10:00 A.M. CLEVELAND CITY HALL, THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 151-2010 — Ballistic Vests and Carriers, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, SEPTEMBER 24, 2010 AT 10:00 A.M. LOCATED AT THE JUSTICE CENTER, IN THE POLICE ACADEMY, 7TH FLOOR, 1300 ONTARIO STREET CLEVELAND, OHIO 44113.

File No. 152-2010 — Ammunition, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, SEPTEMBER 27, 2010 AT 10:00 A.M. LOCATED AT THE CLEVELAND POLICE OUTDOOR RANGE, 3700 WEST 58TH STREET, CLEVELAND, OHIO 44102.

September 15, 2010 and September 22, 2010

THURSDAY, OCTOBER 14, 2010

File No. 150-2010 — Messenger Services, for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING TUESDAY, OCTOBER 5, 2010 AT 2:30 P.M. THE CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CLEVELAND, OHIO 44114.

September 15, 2010, September 22, 2010 and September 29, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Ord. No. 1042-10.

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

An emergency ordinance to amend Section 45 of Ordinance No. 947-08, passed June 9, 2008, as amended by various ordinance, relating to compensation for various classifications.

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 45 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 1265-09, passed September 14, 2009, and Ordinance No. 1753-09, passed November 30, 2009, is amended to read as follows:

Section 45. Hourly Rate - Building & Construction Trades Council

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

		Effective Date	Minimum	Maximum
1.	Asbestos Worker.....	5/1/10	\$40.40	\$50.50
2.	Boiler Maker.....	7/1/10	\$43.57	\$54.46
3.	Bricklayer.....	5/1/10	\$34.19	\$42.74
4.	Bricklayer Foreman.....	5/1/10	\$35.44	\$43.74
5.	Carpenter.....	5/1/10	\$33.88	\$42.35
6.	Carpenter Foreman.....	5/1/10	\$35.13	\$42.35
7.	Carpenter Apprentice.....	5/1/10	\$14.45	\$18.06
8.	Cement Finisher.....	5/1/10	\$34.41	\$43.01
9.	Cement Finisher Foreman.....	5/1/10	\$35.66	\$43.76
10.	Electrical Worker.....	5/1/10	\$41.84	\$52.30
11.	Electrical Worker Foreman.....	5/1/10	\$43.09	\$52.30
12.	Glazier.....	5/1/10	\$33.06	\$41.32
13.	Ironworker.....	8/1/10	\$38.29	\$47.86
14.	Ironworker Foreman.....	8/1/10	\$39.54	\$50.36
15.	Painter.....	6/1/10	\$30.02	\$37.53
16.	Painter - Apprentice.....	6/1/10	\$14.46	\$18.06
17.	Painter Foreman.....	6/1/10	\$31.27	\$39.02
18.	Pipefitter (Welder).....	5/1/10	\$40.42	\$50.52
19.	Pipefitter Foreman.....	5/1/10	\$40.67	\$41.67
20.	Plasterer.....	5/1/10	\$33.45	\$41.81
21.	Plasterer Foreman.....	5/1/10	\$34.70	\$42.81
22.	Plumber (Welder).....	5/1/10	\$41.34	\$51.68
23.	Plumber Foreman.....	5/1/10	\$42.59	\$53.18
24.	Roofer.....	5/1/10	\$34.60	\$43.25
25.	Sheet Metal Worker.....	5/1/10	\$40.18	\$50.23
26.	Sheet Metal Worker Foreman.....	5/1/10	\$41.43	\$50.23

Section 2. That Section 45 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 1265-09, passed September 14, 2009, and Ordinance No. 1753-09, passed November 30, 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 August 18, 2010.

Effective August 20, 2010.

COUNCIL COMMITTEE MEETINGS

**Wednesday September 8, 2010
10:00 a.m.**

Community and Economic Development Committee, Public Safety

Committee, City Planning Committee, & Legislation Committee.

Present in CDED: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Pruitt, Westbrook. *Authorized Absence:* Cimperman, Miller, Zone.

Present in Safety: Conwell, Chair; Polensek, Vice Chair; Cleveland, Cummins, Dow, Mitchell. *Authorized*

Absence: Brady, Miller, Zone.

Present in Legislation: Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cleveland. *Authorized Absence:* Cimperman, Sweeney, Reed.

Present in Planning: Cleveland, Chair; Westbrook, Vice Chair; Conwell, Dow. *Authorized Absence:* Brady, Keane, Zone.

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O—Ordinance; R—Resolution; F—File

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