

The City Record

Official Publication of the Council of the City of Cleveland



November the Seventeenth, 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 Minor, Chief of Public Affairs – Director 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 – _____, 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. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

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, Jan Huber, 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; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director Barry A. Withers; 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 HOUSING BOARD – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

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

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

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

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

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WEDNESDAY, NOVEMBER 17, 2010

No. 5058

CITY COUNCIL

MONDAY, NOVEMBER 15, 2010

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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, November 15, 2010

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, Natoya J. Walker Minor, Chief of Public Affairs - Director of Office of Equal Opportunity, and Directors Triozzi, Dumas, Withers, Smith, Wasik, Flask, Cox, Rush, Rybka, Marion, Nichols, Griffin, Fumich, Interim Director John D. Mahoney, Lucille Ambroz, Secretary, Civil Service Commission.

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

MOTION

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

MAYOR'S APPOINTMENTS

File No. 1531-10.

November 11, 2010

The Honorable Martin J. Sweeney
City Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

The Honorable T.J. Dow
Chairman, Mayor's Appointments
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Sweeney and Chairman Dow:

Included below is the name and term ending date of the Mayor's nomination to be considered at the upcoming meeting of Cleveland City Council's Mayor's Appointment Committee. The nomination are reappointments.

Cleveland-Cuyahoga County Port Authority

Robert Smith, Term Ending 1-28-2015

Additionally, a resume and/or biography are attached for the candidate. I can be reached at (216) 664-3544 or vmccall@city.cleveland.oh.us if you have any questions.

Thank you in advance for your cooperation.

Sincerely,
Valerie J. McCall
Chief of Government Affairs

Received.
Referred to Committee on Mayor's Appointments.

MAYOR'S APPOINTMENT COMMITTEE

File No. 1531-10-A.

November 15, 2010

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland-Cuyahoga County Port Authority.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland-Cuyahoga County Port Authority:

Robert Smith
Reappointment - Term expires on
January 28, 2015

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.
Without objection, Mayor's Appointment approved. Yeas 19. Nays 0.

**FROM DEPARTMENT OF
LIQUOR CONTROL**

File No. 1533-10.

Re: #285095 — C2, C2X Transfer of Ownership Application - 4969 Columbia, Inc., d.b.a. Convenience Plus Food Mart, 9305 Miles Road. (Ward 2). Received.

File No. 1534-10.

Re: #7640194 — C1, C2 Transfer of Ownership Application - S F T Enterprises, d.b.a. Mr. CS II - 5816 Superior Avenue. (Ward 7). Received.

File No. 1535-10.

Re: #7640194 — Liquor Agency Contract — C1S F T Enterprises, d.b.a. Mr. CS II - 5816 Superior Avenue. (Ward 7). Received.

File No. 1536-10.

Re: #6052915 — D5 Stock Transfer Application - Ms. Debbie, LLC, d.b.a. Victory Lap Café — 6422 Storer Avenue, 1st floor and basement. (Ward 15). Received.

**STATEMENT OF WORK
ACCEPTANCE**

File No. 1537-10.

From Director of Department of Parks, Recreation and Properties — Contract No. 69737 with D.R.S. Enterprises, Inc. for the improvement of the Earle B. Turner Recreation Parking Lots Improvements (Ward 2). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1538-10—Virgil E. Brown, Sr.

Res. No. 1539-10—Rev. James Thomas II.

Res. No. 1540-10—Ethel Mae Lacey Pye.

Res. No. 1541-10—Marcel "Marcy" Craciun.

Res. No. 1542-10—Carnel Mitchell.

Res. No. 1543-10—Eliseo Biagiotti.

Res. No. 1544-10—Bernie Barlow.

CONGRATULATION RESOLUTIONS

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

Res. No. 1522-10—Karen Small.

Res. No. 1545-10—Eutrace (Tracy) A. Bean Oliver.

Res. No. 1546-10—Louise J. Gissendaner.

Res. No. 1547-10—Bernett L. Williams.

Res. No. 1548-10—Joseph A. Sidoti.

Res. No. 1549-10—Peter McDermott.

Res. No. 1550-10—Virginia Houston.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1502-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Crowell and Moring for federal lobbying services for the City of Cleveland, for a period of one year, with one option to renew for an additional one year period, 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 enter into an agreement with Crowell and Moring for federal lobbying services for the City of Cleveland for a period of one year, with one option to renew for an additional year, exercisable by the Director of Finance, payable from the funds or funds appropriated in Budget Year 2011 for this purpose, Request No. RQS 0117, RL 2010-192.

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. 1503-10.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 68853 with LHD & Associates, Inc. to provide lobbying services for airport-related matters.

Whereas, under the authority of Ordinance No. 104-09, passed January 26, 2009, the Director of Port Control entered into Contract No. 68853 with LHD & Associates, Inc. to provide lobbying services for airport-related matters; and

Whereas, Ordinance No. 104-09 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. 68853 for an additional year at a cost not to exceed \$100,000, payable from the fund or funds appropriated in Budget Year 2011 for this purpose, with LHD & Associates, Inc. to provide lobbying services for airport-related matters, for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 104-09 to exercise this option. (RQS 3001, RL 2010-175)

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

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

Ord. No. 1504-10.

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

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of large capacity trucks with operators, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of the rental of large capacity trucks with operators in the approximate amount as procured during the preceding term, procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. 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. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RQN 4006, RL 2010-50)

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 Service may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 1505-10.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service, for a period of one year.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

the period of one year of the necessary items of rock salt, 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 Streets, Department of Public Service. 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 4006, RL 2010-48)

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 Service may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 1506-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 2011 Summer Food Service Program; authorizing the purchase by requirement contract of breakfasts and lunches and for food, food products, beverages, condiments and paper products to implement the grant, for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the approximate amount of \$450,000.00, from the Ohio Department of Education, to conduct the 2011 Summer Food Service Program for the purposes described in the summary; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes

described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1506-10-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 Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of unitized breakfasts and lunches for the breakfast and lunch program to be served at twenty City recreation centers and at various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. 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 shall determine.

Section 4. That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Parks, Recreation and Properties is authorized to make one or more written contracts with the various non-profit organizations to implement the 2011 Summer Food Service Program.

Section 5. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. 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 shall determine.

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

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

Section 8. That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for

the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

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

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

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

Ord. No. 1507-10.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more agreements with the Ohio State University Extension, or their designee, and Burten, Bell, Carr Development, Inc., or their designee, to participate in, and implement an Urban Agriculture Pilot Project to be located in the Kinsman area of the City of Cleveland, for a period of three 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 Economic Development is authorized to enter into one or more agreements with the Ohio State University Extension, or their designee, and Burten, Bell, Carr Development Inc., or their designee, to participate in, and implement an Urban Agriculture Pilot Project, as described File No. 1507-10-A, to be located in the Kinsman area of the City of Cleveland, for a period of three years.

Section 2. That the costs of participation in the program shall not exceed \$100,000 and shall be paid from Fund No. 17 SF 652, RQS 9501, RL 2010-197.

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. 1512-10.

By Council Member Reed.
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 203.10 thereof, relating to illegal distribution of cigarettes as a nuisance.

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 hereby supplemented by enacting new Section 203.10 thereof, to read as follows:

Section 203.10 Illegal Distribution of Cigarettes

The sale or distribution of cigarettes and other tobacco products in a smaller quantity than that placed in the pack or other container by the manufacturer is hereby declared to be a nuisance which affects and endangers the public health. Any authorized City officer or employee who, upon information or by observation ascertains a violation of this section, may impose the penalties set forth in this chapter and in section 201.99. Enforcement of this section is in addition to any other method of enforcement provided in these codified ordinances.

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.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

Ord. No. 1520-10.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 467-10, passed May 24, 2010, relating to authorizing the director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization II Program, and authorizing grants and leases to implement the program.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 467-10, passed May 24, 2010, are amended to read as follows:

Section 1. That the Neighborhood Stabilization II Program shall be administered in accordance with the Executive Summary, placed in File No. 467-10-B, which file shall also contain a description of the Neighborhood Stabilization II Program.

Section 2. That Neighborhood Stabilization II Program funds in the approximate amount of **\$4,510,000** shall be expended for costs of the Department of Building and Housing associated with conducting the demolition and deconstruction programs supported by appropriate staffing and technical assistance, in furtherance of nuisance abatement objectives, all in accordance with the appropriate regulations in conjunction with the Neighborhood Stabilization II Program.

Section 2. That existing Sections 1 and 2 of Ordinance No. 467-10, passed May 24, 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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1521-10.

By Council Member Dow.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7510 Melrose Avenue to Joseph A. Rudolph.

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 Joseph A. Rudolph.

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

P. P. No. 106-11-073

Situated In the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 23 in Howard White Subdivision of part of Original One Hundred Acre Lot No. 342, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records and being 40 feet front on the Southerly side of Melrose Avenue and extending back 108.7 feet on the Westerly line, 105.6 feet on the Easterly line and having a rear line of 40.12 feet, as appears by said plat.

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. 1532-10.

By Council Member Cimperman.

An emergency ordinance to amend Section 1 of Ordinance No. 734-10, passed October 18, 2010, relating to changing the use District of lands known as City of Cleveland's Clark Field recreation site including land at I-490 and Quigley Roads.

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. 734-10, passed October 18, 2010, is amended to read as follows:

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

Beginning at the intersection of the Southerly Limited Access right-of-way of I-490 with the centerline of Quigley Road;

Thence Southwesterly along said centerline of Quigley Road to its intersection with the Easterly prolongation of a Northerly line of Block "A" in the Consolidation and Lot Split for Air Products and Chemicals, Inc. of part of Lot No. 86 in Brooklyn Township as shown on the plat recorded in Volume 297, Page 25 of Cuyahoga County Map Records;

Thence Westerly along said Northerly line of Block "A" in the Consolidation and Lot Split for Air Products and Chemicals, Inc., its Easterly prolongation and along a curved Northerly line in said Block "A" and along a Northerly line in said Block "A" to a point of curvature therein;

Thence Southwesterly along said curved Northwesterly line of Block "A" to a point-of-tangency therein;

Thence Southerly along said Westerly line of Block "A" to a Southerly line thereof;

Thence Easterly along said Southerly line of Block "A" to the Westerly line of land conveyed to The Pines Limited Partnership by deed recorded in Volume 96-07923, Page 28 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 008-30-004;

Thence Southerly along said Westerly line of land conveyed to The Pines Limited Partnership and the Westerly line of land conveyed to BJW Company by deed recorded in Volume 92-4443, Page 36 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 008-30-012, to a Northerly line of land conveyed to Jerome T. Osborne by deed recorded in Volume 89-1269, Page 38 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 008-30-011;

Thence Westerly along said Northerly line of land conveyed to Jerome T. Osborne and a Northerly

line of land conveyed to Jerome T. Osborne by deed recorded in Volume 89-1269, Page 38 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 008-29-003, to the Easterly line of The Cuyahoga Valley Realty Co's, Subdivision No. 2 of part of Lot Nos. 71 and 86 in Brooklyn Township as shown on the plat recorded in Volume 50, Page 21 of Cuyahoga County Map Records;

Thence Northerly along said Easterly line of The Cuyahoga Valley Realty Co's, Subdivision No. 2 to a Northerly line thereof;

Thence Westerly along said Northerly line of The Cuyahoga Valley Realty Co's, Subdivision No. 2 and its Westerly prolongation to the centerline of West 11th Street;

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

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

Thence Northerly along said centerline of West 11th Street to its intersection with the Westerly prolongation of the Southerly line of Josephine L. Hartzell's Subdivision of part of Lot No. 71 in Brooklyn Township as shown on the plat recorded in Volume 15, Page 37 of Cuyahoga County Map Records;

Thence Easterly along said Southerly line of Josephine L. Hartzell's Subdivision and its Westerly prolongation to the Easterly line thereof;

Thence Northerly along said Easterly line of Josephine L. Hartzell's Subdivision to the irregular Southerly Limited Access right-of-way of I-490;

Thence Easterly along said irregular Southerly Limited Access right-of-way of I-490 to the principal place of beginning,

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

Section 2. That existing Section 1 of Ordinance No. 734-10, passed October 18, 2010, is repealed.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1511-10.

By Council Member Sweeney (by departmental request).

An emergency resolution requesting the County Auditor to make advances during the year 2011 under Section 321.34 of the Revised Code.

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 under Section 321.34 of the Revised Code, the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the

Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2011 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2011 fiscal year, during which year such request will be made. The payments are to be made from time to time in accordance with the schedule set by Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1508-10.

By Council Member Kelley.

An emergency ordinance to amend the title of Ordinance No. 514-10 passed April 26, 2010 as it pertains to the Ward 13 Wireless Broadband Network Pilot Project; to supplement the ordinance by adding new Section 3; and to renumber existing Sections 3 and 4 to new Sections 4 and 5.

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 of Ordinance No. 514-10 passed April 26, 2010 is amended to read as follows:

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants, computer software developers, or vendors to develop a wireless broadband network in Ward 13 as a pilot program and to acquire licenses and other professional services necessary to implement the system, including project management, installing, designing, training, testing, programming, integrating, managing connections, maintenance, technical support, acquiring network equipment and incidental supplies, entering into agreements necessary to mount network hardware on public and private property, and other related issues, for the Division of Information Technology and Services, Department of Finance, for a period of three years, with two one year options to renew.

Section 2. That the title of Ordinance No. 514-10 passed April 26, 2010 is repealed.

Section 3. That Ordinance No. 514-10, passed April 26, 2010 is supplemented by adding new Section 3 to read as follows:

Section 3. That, notwithstanding the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to enter into agreements necessary for the purpose of mounting network hardware on public and private property.

Section 4. That Sections 3 and 4 of Ordinance 514-10, passed April 26, 2010, is renumbered to new "Sections 4 and 5."

Section 5. 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. 1509-10.

By Council Member Miller.

An emergency ordinance rescinding the landmark designation of Henry W. Longfellow School at 650 East 140th Street.

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 division (b)(9) of Section 161.04 of the Codified Ordinances, the landmark designation Henry W. Longfellow School at 650 East 140th Street is hereby rescinded.

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 18. Nays 1.

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

Those voting nay: Council Member Polensek.

Ord. No. 1510-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Integrated Consulting & Management, LLC for the professional services necessary to make computer-based automated phone calls to targeted audiences in the City for Cleveland City Council and repealing

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with Integrated Consulting & Management, LLC for the professional services necessary to make computer-based automated phone calls to residents in a wards or wards, or other targeted audiences in the City for Cleveland City Council. The agreement shall begin January 1, 2011 and shall terminate June 30, 2011, unless sooner cancelled by the Clerk of Council.

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

Section 2. That Ordinance No. 1359-10, passed October 18, 2010, is hereby repealed.

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

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. 1513-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Latrease Poole-Miller for professional services to assist with fiscal and other matters for Cleveland City Council.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with Latrease Poole-Miller (Consultant) for professional services to assist with fiscal and other matters for Cleveland City Council. This agreement shall be entered into as of January 1, 2011 and shall terminate December 31, 2011. The Consultant shall be paid on an hourly basis in an amount not to exceed \$12.00 per hour which shall be certified from fund number 01, subfund 001, account number 6320.

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

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. 1514-10.

By Council Members Cimperman and Cummins.

An emergency ordinance to change the name of Clark Field Dog Park in Tremont to Christine Krosel Dog Park.

Whereas, Christine Krosel was born in 1951 in Cleveland; and

Whereas, she began working for the Catholic diocese in 1975, initially hired as an archival assistant and eventually began serving as the Director of Archives in 1982; and

Whereas, in her work, she helped thousands of people from the diocese and the world with historical questions, and she is remembered for her ability to quickly retrieve information and to provide delightful anecdotes; and

Whereas, she served two terms on the Board of Directors of TWDC and was selected by her peers to serve as secretary; and

Whereas, she served for many years as the Chairperson of Metro

North Block Club and was an active member for many years before serving as chair; and

Whereas, under her leadership, the block club held their Spring Fling Neighborhood Clean-Ups and Safety Forces Appreciation day; and

Whereas, she was an enthusiastic volunteer with the Friends of Clark Field, and a tree is now planted in her honor in Clark Field; 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 name of Clark Field Dog Park be changed to the Christine Krosel Dog Park, and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to affect said name change and to post the proper signs at that park.

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.

Ord. No. 1515-10.

By Council Member Cimperman.

An emergency ordinance to change the name of Kentucky Garden in Ohio City to the Kevin Maguire/Daniel Cardenas Community Garden.

Whereas, the Ohio City community honors and remembers Kevin Maguire and Daniel Cardenas as beloved gardeners and forces for good in the Kentucky Garden; and

Whereas, like many of us, Kevin Maguire and his wife Joan and family came from outside of this neighborhood. He grew up on a farm in Iowa, and after graduating from college there, moved to Milwaukee for employment where he met and married Joan. They eventually moved to Cleveland Heights, starting a family of five wonderful kids. Kevin owned an electrical insulation business off of 55th and Broadway. Kevin and Joan could have had a very comfortable life, with all of that. He was a golfer. He and Joan were fantastic ballroom dancers. They had friends we wish we had for friends, too; and

Whereas, with Bill and Judy Corrigan, Father Bob Begin, and many others, the Maguires moved to the Near West Side, as Ohio City was known in the late 60's, buying and restoring a large home, and enrolled the kids in public school, because, with other members of the Thomas Merton Community, they saw the rightness, that people might live their lives as brothers and sisters, Black and White and Hispanic, rich and poor, those who were many-talented and obviously blessed, and those whose gifts were more hidden, and who needed our expressions of concern and love and patience and sharing to grow and recognize the goodness and dignity of their lives. They saw the rightness of that. That people might come from many different

directions, and discover a good-life together; and

Whereas, Kevin and Joan helped start the first hot meals, back then, lading out chili to the needy at St. John's Church. They provided a place to a homeless man in the shelter of their own home; and

Whereas, Kevin and Joan's names were the first to go onto the petition to take over the Kentucky School Garden, saving it from becoming a school bus parking lot, and turning it into the community-building garden it is today; and

Whereas, but more than what they "did", the story of two lives, Kevin and Joan, was always intertwined, and has been a gracious dance played-out for us. A dance, that reminded us of what it means to be vigorous and yet flexible, disciplined and restrained, yet selfless and giving. Balanced, yet dynamic. Gracious and hospitable to all; and

Whereas, Joan and Kevin have been witnesses for the people of the neighborhood and to much of the City, jogging, and later walking long distances, to Downtown, and Gordon Square, witnesses not just to healthy living, to healthy life-style, but witnesses to the love they had for one another, as a couple. More than "keeping in shape", just for themselves, they have been an example of the health and wellness of the relationship they maintained for one another. They have always been about being a couple, and as a couple they demonstrated an appreciation and a stewardship of the many blessings we have been given, and which we are entrusted with, that we might share these blessings with others; and

Whereas, Kevin and Joan have been community leaders, restoring and beautifying their Ohio City home, decades before there would be the hope that others might do the same. Walking rather than driving, because it is good exercise for you, and you meet people that way. Walking with a plastic bag in hand, picking up every piece of litter along the way. Energizing the garden community, and the yoga group; and

Whereas, this is just one very small slice of the life of Kevin and Joan...There are their remarkable, successful children that grew up on our streets, who have taken their own gifts out to touch the lives of others, and the fortunate friends from golfing and dancing; and

Whereas, there are the tens of thousands who never got to know Kevin, but who saw Kevin walking with Joan, side by side, over the Detroit Superior bridge, as a man and woman in love. There are those who never heard Kevin say a word, but who saw him, and who understood what he stood for, and these lives were touched, in some small way, and they were never the same; and

Whereas, at a time when it is becoming harder and harder to find common ground across generations, between people of different ethnic and economic backgrounds, Dan Cardenas had a way of bringing people together. He did it through his generosity and his love of food; and

Whereas, Dan was a prolific gardener and dedicated to the Kentucky garden. He loved to eat and he loved people.

Whereas, his neighbor Gregory Peckham recalls, "I can't count the number of times he left home grown goodness on our doorstep - tomatoes, zucchini, garlic. It's hard to describe how a smell from a neighbor's house

can make you feel at home in your own. But on Sunday mornings the smell of chorizo and potatoes cooking would drift from his kitchen window into ours; and it made our house feel like home. We shared dishes with him and his sister, Sara – a family spare rib recipe, an Asian noodle soup. In return, he lavished us with tamales and other delicious dishes and regularly brought us great treats from his trips to Mexico, tamales; stacks of tortillas and bottles of tequila. Dan embodied everything our family has come to love about Ohio City.”;

and
Whereas, Dan had graciousness, wisdom, warmth, and humor. Dan was the neighbor that everyone wants but few are ever lucky enough to have; 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 name of Kentucky Garden be changed to the Kevin Maguire/Daniel Cardenas Community Garden, and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to affect said name change and to post the proper signs at that garden.

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.

Ord. No. 1516-10.

By Council Member Cimperman.

An emergency ordinance changing the name of North Marginal Road from East 9th Street to the first driveway entering Burke Lakefront Airport to “Submarine Memorial Drive.”

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 name of North Marginal Road from East 9th Street to the first driveway entering Burke Lakefront Airport to “Submarine Memorial Drive.”

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.

Ord. No. 1517-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services for Cleveland City Council.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services for Cleveland City Council, including, but not limited to, analysis of the Mayor’s Estimate, preparation and presentation of the Council budget retreat, monthly budget reviews, analyses and briefings to the Council President, and any other financial advisory services as directed by the Clerk or her designee. This agreement shall be entered into as of January 1, 2011 and shall be for a term of one year. The agreement shall be certified for \$50,000 from Fund 01, Dept. 0101, subfund 001, acct. 6320.

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

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. 1518-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with The Project Group for the professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

The agreement shall be certified in an amount not to exceed \$250,000.00 from fund 52-001, 54-001 and/or 58-001 and such other funds as may be deemed appropriate by the Director of Finance.

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.

Ord. No. 1519-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an amendment to the agreement with Solar Systems Networking Inc., City Contract No. PS 201000000083 for additional money for continuation of services under the contract, for professional services necessary to advise and assist in the management and implementation of certain technology projects for Cleveland City Council.

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

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

Section 1. That the Clerk of Council (“Clerk”) is authorized to enter into an amendment to the agreement with Solar Systems Networking Inc. (“Consultant”), City Contract No. PS 2010000000083 to add \$60,000 to the agreement for continuation of the professional services necessary to advise and assist in the management and implementation of technology projects, including maintenance of the functionality of the current network environment, user support, assistance in the design and development of future network services and such other projects as may be determined by the Clerk.

The cost of all services under this agreement shall be paid for from fund 21-006.

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.

Ord. No. 1523-10.

By Council Member Miller.

An emergency ordinance to name the 25 acres in Ward 10 located behind Job Corps bounded by Coit Road, Kirby Avenue, East 131st Street and East 134th Street “Collinwood Energy Park”.

Whereas, Forest City Enterprises owns the 25 acres in Ward 10 located behind Job Corps; 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 25 acres in Ward 10 located behind Job Corps bounded by Coit Road, Kirby Avenue, East 131st Street and East 134th Street be named “Collinwood Energy Park”, and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to affect said naming and to post the proper signs at that Park.

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.

Ord. No. 1524-10.

By Council Member Cleveland. An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Timothy Church to stretch banners on Carnegie Avenue near East 71st Street, for the period from November 16, 2010 to December 15, 2010, inclusive, recognizing the Church's 70th Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to St. Timothy Church to install, maintain and remove banners on Carnegie Avenue near East 71st Street from November 16, 2010 to December 15, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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. 1525-10.

By Council Members Cummins, Keane, Kelley, Brady, J. Johnson, Zone, Westbrook, Cleveland, Conwell, Miller, Pruitt, Mitchell, Brancatelli, Reed and Dow.

An emergency resolution urging Governor-elect Kasich to continue the 3C rail project to preserve and create good-paying rail industry jobs in Ohio, to create affordable, energy-efficient, high-quality rail transportation for Ohioans regardless of their economic or physical ability, to promote jobs and real estate development near transportation centers in

Ohio's largest central business districts, and to accomplish this using only ODOT funds, as planned, that would not burden the State of Ohio's troubled general revenue fund.

Whereas, Ohio is suffering from a 10 percent unemployment rate as of September 2010, according to the Ohio Department of Job and Family Services; and

Whereas, Ohio is the fifth-largest rail industry state supplier in the country, with 225 companies employing 26,000 people, according to the Ohio Department of Transportation (ODOT); and

Whereas, the Cleveland - Columbus - Cincinnati (3C) travel corridor is the most heavily traveled corridor for passenger trips between metro areas in the entire Midwest, according to the U.S. Department of Transportation's Bureau of Transportation Statistics; and

Whereas, ODOT was awarded a zero-match-required \$400 million grant from the Federal Railroad Administration to improve, modernize, make safer and more efficient the railway infrastructure linking Ohio's largest cities for the movement of freight and people; and

Whereas, Ohio rail industry supplier companies, including many in Cleveland, are in an economically and geographically advantageous position to win the construction, operation and maintenance contracts resulting from this critically needed federal grant; and

Whereas, the federal grant will not incur any annual costs to the State of Ohio's troubled general revenue fund; and

Whereas, the state's share of passenger rail operating costs will instead be supported by the ODOT budget which is legally separate and financially distinct from the State of Ohio's general revenue fund; and

Whereas, immediately upon his election, Ohio Governor-elect John Kasich asked in writing to President Barack Obama and current Governor Ted Strickland to cancel the 3C Corridor project or instead use the funding for freight rail and/or road projects; and

Whereas, Governor Strickland has declined to cancel the 3C project and U.S. Transportation Secretary Ray LaHood informed Governor-elect Kasich in a letter dated Nov. 9, 2010 that the \$400 million Ohio received cannot legally be used for any purpose other than passenger rail corridor development and that if Ohio will not use the \$400 million for its legally intended purposes, Ohio should immediately return the funds to the Federal Railroad Administration; and

Whereas, the governors of Illinois, New York and possibly other states have asked the federal government for Ohio's \$400 million if Governor-elect Kasich opts out of it; and

Whereas, Cleveland City Council urges Governor-elect Kasich to continue the 3C project to preserve and create good-paying rail industry jobs in Ohio, to create affordable, energy-efficient, high-quality rail transportation for Ohioans regardless of their economic or physical ability, to promote jobs and real estate development near transportation centers in Ohio's largest central business districts, and to accomplish this using only ODOT funds, as planned, that would not burden the State of Ohio's troubled general revenue fund; and

Whereas, Cleveland City Council encourages city and county officials, Ohio General Assembly, Ohio Congressional Delegation and other

leaders to undertake all reasonable action necessary to ensure the development of railroad infrastructure, service, safety and industries continues unabated in Ohio's 3C Corridor; and

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

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

Section 1. That this Council urges Governor-elect Kasich to continue the 3C rail project to preserve and create good-paying rail industry jobs in Ohio, to create affordable, energy-efficient, high-quality rail transportation for Ohioans regardless of their economic or physical ability, to promote jobs and real estate development near transportation centers in Ohio's largest central business districts, and to accomplish this using only ODOT funds, as planned, that would not burden the State of Ohio's troubled general revenue fund.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Mayor Frank Jackson, Cuyahoga County Executive-elect Ed FitzGerald and county council members-elect, Cuyahoga County members of the Ohio General Assembly and Ohio Congressional Delegation including Senator-elect Rob Portman.

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 18. Nays 1.

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

Those voting nay: Council Member Polensek.

Res. No. 1526-10.

By Mayor Jackson, Council Members Kelley and Sweeney.

An emergency resolution supporting United States Senate Bill 3626, the Thermal Renewable Energy and Efficiency Act (TREETEA) and companion legislation, United States House of Representatives Bill 5805.

Whereas, the City of Cleveland is extremely interested in doing all that is feasible to foster a sustainable energy infrastructure to provide for its own facilities and those of the City's private and business residents.

Whereas, in addition, one of the significant businesses in the City is Cleveland Thermal, a district energy company whose facilities have provided thermal energy (steam and chilled water) for heating and cooling purposes to a major segment of the commercial, institutional and governmental buildings in downtown Cleveland for over 100 years.

Whereas, the City and its residents would benefit by both the City and Cleveland Thermal being able to access the significant incentives provided in the recently introduced

Senate Bill 3626, the Thermal Renewable Energy and Efficiency Act (TREEA) and companion legislation introduced in the House of Representatives Bill 5805); and

Whereas, TREEA focuses on a significant but overlooked part of the U.S. energy picture: the 31% of all U.S. energy consumption that is used for thermal purposes – heating and cooling buildings and industrial processes; and

Whereas, the bill will stimulate increased use of home-grown energy sources that already exist in our backyards, including biomass, geothermal and natural sources of air conditioning, in the proven and reliable technology used in district energy facilities and CHP facilities (Combined Heat and Power – the concurrent production of thermal and electric energy from a single source) and will reduce carbon emissions, stabilize energy costs, create domestic jobs and keep more energy dollars circulating in local economies by doing the following three things: 1) Make the production tax credit (PTC) currently available for renewable generation of electricity also applicable to thermal energy (by limiting the PTC to electricity only, we are missing opportunities to expand the use of renewable energy); 2) Allow tax-exempt bonds to finance renewable energy, CHP, and other district energy production facilities (currently, tax-exempt bonds can be used only for financing district energy piping distribution systems but not plant facilities for production of heating and cooling energy); and 3) Modify a 2007 law authorizing a program that would provide grants to colleges, universities, cities, municipal utilities and public school districts for implementing sustainable energy infrastructure (TREEA would modify the authorization to strengthen this as yet unfunded program); and

Whereas, as an example, the incentives provided by TREEA could enable the City and other governmental entities, such as Cleveland Public Schools, to achieve energy infrastructure goals; and

Whereas, TREEA incentives could also enable Cleveland Thermal to modernize its facilities and build a new CHP facility that would add up to 50 new, highly skilled jobs and over 500 construction and facility support jobs; and

Whereas, in addition, this plant would reduce carbon emissions by as much as 137,000 tons per year by reducing coal use by as much as 110,000 tons as a direct result of CHP efficiencies and the use of renewable fuels.

Whereas, these results and TREEA's basic premise are fully consistent with the conclusions of the U.S. Department of Energy and the Oak Ridge National Laboratory in a joint report issued in December 2008; and

Whereas, that report concluded that CHP was a realistic solution to enhance national energy efficiency, ensure environmental quality, promote economic growth, and foster a robust energy infrastructure; and

Whereas, the report further concluded that, if the U.S. were to achieve the goal of having 20% of its generating capacity produced by CHP facilities by 2030, the benefits would include: A) A 60% reduction of the projected increase in carbon dioxide emissions – the equivalent of removing 154 million cars from the road; B) Fuel savings of 5.3 quadrillion British thermal units annually – the equivalent

of nearly half the total energy currently consumed by U.S. households; and C) The creation of 1 million highly-skilled, competitive "green" jobs and \$234 billion in new investments throughout the U.S.; and

Whereas, TREEA offers significant opportunities for both national energy policy and the Cleveland area economy; and

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

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

Section 1. That this Council supports United States Senate Bill 3626, the Thermal Renewable Energy and Efficiency Act (TREEA) and companion legislation, United States House of Representatives Bill 5805.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the United States Congress, Honorable Sherrod Brown, Cleveland Thermal LLC, Charles Evans, Managing Member and Mayor Frank Jackson.

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

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. 1527-10.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 727 Bolivar Road and Patio.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from CRK Enterprises, Inc., DBA Gateway Sports Bar, 727 Bolivar Road and patio, Cleveland, Ohio 44115, Permanent Number 1792372 to Tops and Bottoms Gentlemen's Club, LLC, 727 Bolivar Road and patio, Cleveland, Ohio 44115, Permanent Number 8995856; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from CRK Enterprises, Inc., DBA Gateway Sports Bar, 727 Bolivar Road and patio, Cleveland, Ohio 44115, Permanent Number 1792372 to Tops and Bottoms Gentlemen's Club, LLC, 727 Bolivar Road and patio, Cleveland, Ohio 44115, Permanent Number 8995856; 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.

Res. No. 1528-10.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 1378 West 6th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Lobster Shack, LLC, DBA The Nauti Mermaid, 1378 West 6th Street, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 5248660 to J B J J, LLC, DBA The Nauti Mermaid, 1378 West 6th Street, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 4174602; 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 require-

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Lobster Shack, LLC, DBA The Nauti Mermaid, 1378 West 6th Street, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 5248660 to J B J J, LLC, DBA The Nauti Mermaid, 1378 West 6th Street, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 4174602; 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.

Res. No. 1529-10.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of Liquor License of a C2 Liquor Permit to 3074 West 14th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 Liquor Permit from Francies Foods, Inc., 7001 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 2867178 to Salbros, Inc., DBA Gas City, 3074 West 14th Street, Cleveland, Ohio 44113, Permanent Number 7679502; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C2 Liquor Permit from Francies Foods, Inc., 7001 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 2867178 to Salbros, Inc., DBA Gas City, 3074 West 14th Street, Cleveland, Ohio 44113, Permanent Number 7679502 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.

Res. No. 1530-10.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of liquor license of a D1, D2, D3, D3A and D6 Liquor Permit at 1301 East 9th Street and repealing Resolution No. 1373-10, objecting to said transfer.

Whereas, this Council objected to the transfer of liquor license of a D1, D2, D3, D3A and D6 Liquor Permit to Daniel M. Miller, Inc., 1301 East 9th Street, Cleveland, Ohio 44114, Permanent No. 1918454, adopted by the Council on October 18, 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 D1, D2, D3, D3A and D6 Liquor Permit to Daniel M. Miller, Inc., 1301 East 9th Street, Cleveland, Ohio 44114, Permanent Number 1918454 be and the same is hereby withdrawn and Resolution No. 1373-10, 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.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1351-10.

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

An emergency ordinance authorizing the Director of Port Control to enter into a license agreement with the ITT Corporation granting access to portions of Cleveland Hopkins International Airport and Burke Lakefront Airport for the purpose of installing, operating, maintaining, repairing, and replacing equipment to conduct research relating to the Next Generation Air Traffic System, for a period of two years, with a two year option to renew, exercisable by the Director of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In the title, strike lines 11 and 12 in their entirety and insert "renew, exercisable through additional legislative authority."

2. In Section 2, line 2, strike "exercisable by the Director of Port Control" and insert "exercisable through additional legislative authority".

Amendments agreed to.

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

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

Ord. No. 1368-10.

By Council Member Brancatelli. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to FBE, Inc.

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

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

Ord. No. 1413-10.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

LAID ON THE TABLE

Ord. No. 991-08.

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

An emergency ordinance authorizing the Director of Port Control to solicit proposals from transportation companies to provide door-to-door shuttle services for the public to and from Cleveland Hopkins International Airport; and to enter into various contracts with the selected transportation companies, for a period of three years, with one option to renew for an additional two year period.

Res. No. 1443-09.

By Council Members Santiago, Brady, Cimperman and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of West 25th Place and Keene Court S.W.

Without objection, Ordinance No. 991-08 and Resolution No. 1443-09 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 991-08 and Resolution No. 1443-09, Laid on the Table.

MOTION

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, November 22, 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

November 10, 2010

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

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

Absent: Mayor Jackson, Directors R. Smith, Carroll and Nichols.

Others: James Hardy, Commissioner, Purchases and Supplies.

Acting Director Anthony, Office of Equal Opportunity.

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

Resolution No. 459-10.

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 October, 2010 in the amount of \$11,290.09, attached and made a part of this resolution, is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson, Directors R. Smith, Carroll and Nichols.

Resolution No. 460-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Allstar Window Cleaning, Inc., for an estimated quantity of window washing services, all items for various divisions of City government, for a period of two years beginning with the date of execution of the contract with an option to renew for one additional year, received on August 25, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$102,020.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,101.00.

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

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

Nays: None.

Absent: Mayor Jackson, Directors R. Smith, Carroll and Nichols.

Resolution No. 461-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Valley National Gases, LLC, for an estimated quantity of welding equipment, supplies and materials, for all items, groups a, b and c, for various divisions of City government, for a period of two years, beginning with the date of execution of the contract, received on September 8, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$170,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$8,500.00.

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

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

Nays: None.

Absent: Mayor Jackson, Directors R. Smith, Carroll and Nichols.

Resolution No. 462-10.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that all bids received on October 8, 2010 for estimated quantity of Ballistic Vests and Carriers, for the Division of Police, Department of Public Safety, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

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

Nays: None.

Absent: Mayor Jackson, Directors R. Smith, Carroll and Nichols.

Resolution No. 463-10.

By Director Rush.

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

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

Whereas, under the authority of Section 18 3.024, the City has acquired Permanent Parcel No. 130-22-067 located at 3435 East 121 Street from HUD; and

Whereas, Cuyahoga County Land Reutilization Corporation has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 130-22-067 to Cuyahoga County Land Reutilization Corporation is established as \$1.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

Resolution No. 464-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 108-06-018 located at 9107 St. Clair Avenue in Ward 8; and

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

Whereas, Sheila Lynn Murdock, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for outdoor reading space; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Sheila Lynn Murdock for the sale and development of Permanent Parcel No. 108-06-018 located at 9107 St. Clair Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1,500.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

Resolution No. 465-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 135-12-012 located at 3623 East 108th Street in Ward 6; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Lonna Henderson for the sale and development of Permanent Parcel No. 135-12-012 located at 3623 East 108th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

Resolution No. 466-10.

By Director Rush.

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

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 115-26-160 located at 836 London Avenue in Ward 11; and

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

Whereas, Brenda L. Wilson dba Star Catering, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for hard surface parking with landscaping along London Avenue in accordance with City Code; and

Whereas, the following conditions exist:

1. The member of Council from Ward 11 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Brenda L. Wilson dba Star Catering for the sale and development of Permanent Parcel No. 115-26-160 located at 836 London Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1,000.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

Resolution No. 467-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 118-09-062 located at 7619 Home Court in Ward 7; and

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

Whereas, Joyce M. Harris, Trustee, Harris Family Trust, abut-

ting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Joyce M. Harris, Trustee, Harris Family Trust for the sale and development of Permanent Parcel No. 118-09-062 located at 7619 Home Court, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson, Directors Carroll and Nichols.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 29, 2010

9:30 A.M.

Calendar No. 10-185: 3610 Superior Avenue (Ward 8)

3620 Superior Ave LLC, owner, appeals to change an existing non-conforming bar/restaurant to a nightclub with entertainment and to modify a previous variance by extending hours of the establishment imposed by the Board of Zoning Appeals in Calendar No. 07-93 from 11:30 AM to 2:30 AM; contrary to Section 347.12(a)(1) the proposed change to a nightclub/dance hall use is within 500 feet of a church at the northwest corner of Superior Avenue and East 36th Street and within 500 feet of a residence district to the south, requiring an accessory off-street parking area in the amount of three times the gross floor area pursuant to Section 349.04(e) and the expansion, substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Cleveland Codified Ordinances.

Calendar No. 10-215: 13724 Puritas Avenue (Ward 18)

Charles Jackson, owner, appeals to add a 12' x 27' building addition to an existing nonconforming motor vehicle service garage on an irregular shaped corner parcel in a General Retail Business District; subject to Section 359.01(a) of the Cleveland Codified Ordinances, the proposed expansion of a nonconforming use shall not be permitted except as a variance from the Board of Zoning Appeals, the current use being nonconforming to the Zoning Code provisions in Section 343.14, lacking the required frontage and landscape transition strips and located within 100 feet of a residence district.

Calendar No. 10-216: 1900 West 75th Street (Ward 17)

Gary Fadel, owner, appeals to erect a 6-11' x 20' wooden, open front porch to a one family dwelling on a 25.50' x 49.21' lot in a Two-Family District; contrary to Section 357.09(2)B a total width of interior side yards equals 9 feet where not less than 10 feet is required; and 6 feet 11 inches is provided where an open front porch shall not project more than 6 feet and extends within 9 feet of the street where 10 feet is required in accordance with Section 357.13(b)(4) of the Cleveland Codified Ordinances.

Calendar No. 10-217: 8415 Broadway Avenue (Ward 12)

Community Assessment and Treatment Services, owner, appeals to expand occupancy of an existing Correctional Halfway House by adding 10 residents in an existing building located on an irregular shaped corner lot in General Retail Business and Semi-Industry Districts; and subject to the provisions in Section 347.15(b)(c), no Certificate of Occupancy for establishment or expansion of a Correctional Halfway House shall be issued without approval of the Board of Zoning Appeals, after public notice and hearing, in order to ensure compatibility between a proposed correctional halfway house, expansion,

thereof, and surrounding properties. The Board may require modifications to a proposal as a condition of its approval and shall determine the suitability of a proposed Correctional Halfway House, or expansion thereof, at a particular location, through consideration of, among others, the following factors: (1) conformance of the proposal to the requirements of this section and to other applicable regulations of the City's Codified Ordinances; (2) the record of the proposed operator in managing similar facilities; and (3) the size of the proposed facility as it affects potential over-concentration of a correctional system population in the immediate vicinity.

Calendar No. 10-218: 14117 Christine Avenue (Ward 1)

Michelle Rose, owner, appeals to install a fence with the unfinished side facing adjoining properties, contrary to Section 358.06(b) of the Cleveland Codified Ordinances and the requirement that a fence with a finished side and an unfinished side shall be installed with the finished or more decorative side facing outward toward the adjoining property or the street.

Calendar No. 10-226: 2832 East 117th Street (Ward 6)

Paul Libbis, owner, and Romena Foster, tenant, appeal to erect a wheelchair ramp 30 linear feet at the front of a two family dwelling on a 40' x 120' parcel in a Two-Family District, contrary to the yard space requirements of the front yard setback and Section 357.13 of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 15, 2010

At the meeting of the Board of Zoning Appeals on Monday, November 15, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-212: 1500 Franklin Avenue

Cuyahoga Metropolitan Housing Authority, owner, and Ohio City Near West Development Corporation, lessee appealed to erect a farm stand for sale of agricultural produce or related products in a Multi-Family District; subject to condition.

Calendar No. 10-169: 4431 West 130th Street

Abrams Family Properties LLC, owner, and Shelly Materials Inc., tenant, appealed to change use to an asphalt concrete mixing site on acreage in a B3 General Industry District; subject to conditions.

The following appeals were **Withdrawn:**

Calendar No. 10-199: 4210 Franklin Boulevard

Ronald and Jennifer O'Leary appealed from the decision of the Building and Housing Department and a permit issued to establish use of property located at 4210 Franklin Boulevard.

Calendar No. 10-200: 17000 St. Clair Avenue
 CiiC Holdings Ltd., owner, and Aljon LLC, tenant appealed to use acreage for acceptance and storage of yard waste for processing/manufacturing of mulch for wholesale purchase in Semi-Industry and General Industry Districts.

The following appeal was **Dismissed:**

Calendar No. 09-61: Riverbend Rear Ontario Stone Corporation and City of Cleveland Department of Port Control submitted a Joint Stipulation and Voluntary Dismissal of Appeal.

The following appeal was **Postponed:**

Calendar No. 10-213: 4051 St. Clair Avenue postponed to January 24, 2011.

The following appeals heard by the Board on November 8, 2010 were adopted and approved on November 15, 2010.

The following appeals were **Approved:**

Calendar No. 10-195: 3047 Prospect Avenue
 Z3 Properties LLC appealed for a change of use from a fraternity house to offices in a General Retail Business District.

Calendar No. 10-196: 8101 Pulaski Avenue
 Lorenzo Willis III, owner, and Nellie Williams and Tyrone Glass, tenants, appealed to change a mixed use building to a day care center in a Multi-Family District.

Calendar No. 10-197: 18132 Marcella Road
 James Cvelbar appealed to erect a 17' x 37' frame garage barn in an A1 One-Family District; subject to condition.

Calendar No. 10-203: 11521 Clifton Boulevard
 Robert and Cynthia Forest appealed to build an addition to a gas station and store in a Local Retail Business District.

Calendar No. 10-208: 12104 Brookfield Avenue
 Rosetta Douglas appealed to erect a wheelchair ramp to the front of a one family dwelling in a One-Family District.

Calendar No. 10-163: 4931 State Road
 Ioannis Vasilakis, owner, and Moises Quintana, tenant, appealed for a change o use from motor vehicle repair to motor vehicle major repair, audio sound system installation, in a General Retail Business District; with conditions.

Calendar No. 10-149: 2410 Scranton Road
 Ed Schmidt appealed to display vehicles in the front yard setback at an existing used car sales lot in a Semi-Industry District; subject to conditions.

Calendar No. 10-192: 4724 West 130th Street
 Vietnamese Buddhist Association appealed to install 348 linear feet of 5 feet high white flat top ornamental fence.

The following appeals heard by the Board on April 12, 2010 were adopted and approved on November 15, 2010.

The following appeals were **Approved:**

Calendar No. 10-21: 2491 West 8th Street
 West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-22: 2495 West 8th Street
 West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-23: 2501 West 8th Street
 West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of November 10, 2010

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

* * *

Docket A-187-10.
 RE: Appeal of Urbana Inc. C/O Manfred Rosenbaum, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two Story Masonry Property located on the premises known as 1701 Urbana Road from a NOTICE OF VIOLATION—UNAUTHORIZED/ILLEGAL, dated March 31, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-187-10 has been POSTPONED; to be rescheduled for December 8, 2010.

* * *

Docket A-190-10.
 RE: Appeal of Fairfax Renaissance Development Corporation, Owner of Three Dwelling Units Three-Family Residence Two Story Masonry Walls/Wood Floors Property located on the premises known as 2280 East 93rd Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 20, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to abate the violations by demolition of the building. The property is REMANDED at this time to the

Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-191-10.
 RE: Appeal of Fairfax Renaissance Development Corporation, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 2288 East 93rd Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated May 17, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to submit plans and obtain permits for rehabilitation of the property, noting that the timing of the construction will be left up to a cooperative effort by the City and the Appellant. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-192-10.
 RE: Appeal of Mars Urban Solutions, LLC, Owner of Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 11811 Saywell Avenue from a 7 DAY CONDEMNATION ORDER—MAIN STRUCTURE, dated November 26, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-192-10 has been POSTPONED; to be rescheduled for December 8, 2010.

* * *

Docket A-193-10.
 RE: Appeal of Kenneth A. Myers Jr., Owner of One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 1564 West 102nd Street from a CONDEMNATION ORDER—MAIN STRUCTURE dated April 16, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

Docket A-194-10.

RE: Appeal of Pastor Blessing Azonwu, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 7706 Elton Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE & SHED, dated March 22, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-194-10 has been POSTPONED; to be rescheduled for December 8, 2010.

* * *

Docket A-195-10.

RE: Appeal of K & M Luxor Corporation, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12012 Continental Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-195-10 has been POSTPONED; to be rescheduled for November 24, 2010.

* * *

Docket A-196-10.

RE: Appeal of Ilya Belkin, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 4015 List Ct. from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 21, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time and to REMAND the property at 4015 List Ct. to the Department of Building and Housing for supervision and any required further action, noting the described condition of the property and the inactivity of the Appellant to maintain the property responsibly. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-281-10.

RE: Appeal of Mario Halbert, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 3406 Riverside Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated January 14, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to present a rehabilitation plan to the City; the property is to remain boarded and the grounds debris free during that period of time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any

required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-301-10.

RE: Appeal of Raymond A. Weeden Sr., Owner of the One Dwelling Unit Single-family Residence One Story Frame Property located on the premises known as 17630 Tarkington Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE & GARAGE, dated July 15, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that the boards be painted within the next thirty (30) days, and to require that permits be obtained in three (3) months and to grant the Appellant six (6) months from this date in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-302-10.

RE: Appeal of Fairfax Renaissance Development Corporation, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2272 East 97th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated June 18, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until November 10, 2010 in which to abate the violations on the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-303-10.

RE: Appeal of Fairfax Renaissance Development Corporation, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2266 East 86th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated June 21, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to submit documentation of the scope of the work to the City to their satisfaction and six (6) months in which to complete rehabilitation

of the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-304-10.

RE: Appeal of Fairfax Renaissance Development Corporation, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property and One Story Garage - Detached; Wood Frame Property located on the premises known as 8016 Golden Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated June 21, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June of 2011 in which to complete rehabilitation or renovation of the property; the property is to remain boarded and the grounds groomed and debris-free during that period of time, noting that plans are to be submitted to the City and building permits are to be obtained, as required, by January of 2011. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-305-10.

RE: Appeal of Fairfax Renaissance Development Corporation, Owner of MXD Mixed Uses - Multiple Uses In One Building Two Story Masonry Walls/Wood Floors Property located on the premises known as 8003 Central Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated June 23, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June of 2011 in which to demolish the condemned building with the condition that the Appellant paint the boarding and remove exterior hardware within thirty (30) days to make the building presentable to the neighborhood during that interim period of time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-306-10.

RE: Appeal of Paul Bearden, Owner of One Dwelling Unit Single-Family Frame Property located on the premises known as 17902 Canterbury Road from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated July 15, 2010 of the

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

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 01st, 2010 in which to complete abatement of the violations and any necessary improvement, permits should be obtained for the work by the first of the year. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-308-10.

RE: Appeal of Ace Storage Inc., Owner of A-1 Assembly - Theatres Two Story Masonry Semi-Industry Property located on the premises known as 6208 Brookpark Road from a NOTICE OF VIOLATION—ILLEGAL USE, dated November 25, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-308-10 has been POSTPONED; to be rescheduled for December 08, 2010.

* * *

Docket A-326-10.

RE: Appeal of Immaculate Management LLC, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 12702 Parkhill Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated February 22, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and request the required inspections, and to permit the property to continue to be occupied, noting the concurrence of the inspector. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-346-10.

RE: Appeal of David Chudzinski, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 14107 Highlandview Avenue from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated July 29, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to abate the violations of the garage by demolition, and to repair the roof of the shed to eliminate the tarp,

and to grant the Appellant sixty (60) days from this date in which to abate the exterior maintenance violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-433-10.

RE: County of Cuyahoga C/O MMPI Cleveland Development LLC, Owner of Property located on the premises known as 1 St. Clair Avenue from an ADJUDICATION ORDER, dated October 27, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the requested variances to the five (5) items presented in the engineering letter dated October 10, 2010 based upon the testimony presented and the concurrence of various departments of the City of Cleveland and the accompanying engineering documents, noting that the variances are applicable throughout the structures. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

EXTENSION OF TIME:

**Docket A-74-10.
Terrence Rollins — 1105 Lakeview Road:**

A motion is in order at this time to grant the Appellant two (2) weeks in which to obtain permits and six (6) months in which to abate all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the existing permits are extended during that period of time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-179-10 — Deborah Evans
- A-180-10 — Ohio Redevelopment Group LLC
- A-181-10 — Ohio Redevelopment Group LLC
- A-186-10 — Citibank NA
- A-188-10 — Wells Fargo Bank, N.A.
- A-189-10 — Luis D. Diaz Martinez
- A-309-10 — Eagle II LLC

- A-332-10 — Ohio Redevelopment Group LLC
- A-341-10 — Steve Gomillion
- A-408-10 — Fay Harris

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

* * *

APPROVAL OF MINUTES:

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

October 27, 2010

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

JOSEPH F. DENK
Chairman

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, DECEMBER 2, 2010

File No. 185-2010 — City of Cleveland Public Safety Building Roof Replacement, for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 888-06 and 781-09, passed by the Council of the City of Cleveland, August 9, 2006 and June 5, 2009, respectively.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) 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, NOVEMBER 19, 2010 AT 10:00 A.M. CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 187-2010 — Labor and Materials Necessary to Maintain and Repair Pump Stations (Re-Bid), 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, NOVEMBER 19, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

November 10, 2010 and November 17, 2010

FRIDAY, DECEMBER 3, 2010

File No. 183-2010 — Cleveland Memorial Gardens, Phases 2B and 2C, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 452-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, NOVEMBER 18, 2010 AT 10:00 A.M. THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 N. MARGINAL ROAD, CLEVELAND, OHIO 44114.

November 10, 2010 and November 17, 2010

WEDNESDAY, DECEMBER 8, 2010

File No. 184-2010 — Department of Parks, Recreation and Properties West Side Market Facility Upgrades, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 489-07, passed by the Council of the City of Cleveland, June 4, 2007. THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) 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).

November 10, 2010 and November 17, 2010

THURSDAY, DECEMBER 16, 2010

File No. 186-2010 — Brecksville Tower Re-Chlorination System Project No. 582, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 810-08, passed by the Council of the City of Cleveland, June 5, 2008.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) 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 PRE-BID MEETING TUESDAY, NOVEMBER 23, 2010 AT 10:00 A.M. THE PUBLIC UTILITIES AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 10, 2010 and November 17, 2010

THURSDAY, DECEMBER 9, 2010

File No. 192-2010 — Diesel Fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 29, 2010 AT 11:30 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

November 17, 2010 and November 24, 2010

FRIDAY, DECEMBER 10, 2010

File No. 188-2010 — Miscellaneous Sized Steel Plates, for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, DECEMBER 1, 2010 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF PUR-

CHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 189-2010 — Cab and Chassis with Automated Refuse Bodies, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 1849-08 and 1620-09, passed by the Council of the City of Cleveland, January 26, 2009 and November 23, 2009, respectively. THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 29, 2010 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 190-2010 — Auto and Truck Alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 29, 2010 AT 10:30 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 191-2010 — Various Steering Gear and Related Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, NOVEMBER 29, 2010 AT 11:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

November 17, 2010 and November 24, 2010

WEDNESDAY, DECEMBER 15, 2010

File No. 197-2010 — Department of Public Service Division of Streets Lorain Ave Facility Radiant Heating Replacement, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1724-09, passed by the Council of the City of Cleveland, February 8, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) 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 TUESDAY, NOVEMBER 30, 2010 AT 10:00 A.M. CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 17, 2010 and November 24, 2010

THURSDAY, DECEMBER 16, 2010

File No. 193-2010 — Repair Parts for Pumps, Saws and Small Engines, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, DECEMBER 2, 2010 AT 10:30 A.M. DISTRIBUTION MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

File No. 194-2010 — Laboratory Services for Protozoa and Biological Analysis (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.28, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING TUESDAY, NOVEMBER 30, 2010 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

File No. 195-2010 — Labor and Materials To Maintain Electronic Security Systems (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 900-09, passed by the Council of the City of Cleveland, August 5, 2009.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING WEDNESDAY, DECEMBER 1, 2010 AT 2:00 P.M. THE NOTTINGHAM WATER PLANT, JULIUS CIACCIA JR. IT CENTER, 1300 CHARDON ROAD, CLEVELAND, OHIO 44117.

November 17, 2010 and November 24, 2010

WEDNESDAY, DECEMBER 29, 2010

File No. 196-2010 — Labor and Materials Necessary for Painting and Paint Removal on Roadways, Runways and Other Paved Surfaces (Re-Bid), for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 409-10, passed by the Council of the City of Cleveland, May 24, 2010.

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

November 17, 2010 and November 24, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1472-10.
By Council Member Brady.
An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 10510-12 Madison Avenue, 1st floor and basement, and

repealing Resolution No. 938-10, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to K & M Tavern, LLC, 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent No. 4423629, by Resolution No. 938-10 adopted by the Council on July 14, 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 D1, D2, D3, D3A and D6 Liquor Permit to K & M Tavern, LLC, 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 4423629 be and the same is hereby withdrawn and Resolution No. 938-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 8, 2010.
Effective November 11, 2010.

Res. No. 1473-10.
By Council Member Dow.
An emergency resolution objecting to the transfer of stock of a C1 and C2 Liquor Permit to 9200 Wade Park Avenue, Unit A 30/40 only.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a C1 and C2 Liquor Permit at M & A Foods, Inc., DBA M & A Foods, 9200 Wade Park Avenue, Unit A 30/40 only, Cleveland, Ohio 44106, Permanent Number 5377788; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a C1 and C2 Liquor Permit at M & A Foods, Inc., DBA M & A Foods, 9200 Wade Park Avenue, Unit A 30/40 only, Cleveland, Ohio 44106, Permanent Number 5377788, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 8, 2010.
Effective November 11, 2010.

Res. No. 1474-10.
By Council Member Keane.
An emergency resolution withdrawing objection to the transfer of stock of a D5 and D6 Liquor Permit at 3314 Warren Road, and repealing Resolution No. 839-10, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a D5 and D6 Liquor Permit to 3314 Warren Road by Resolution No. 839-10 adopted by the Council on June 7, 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 D5 and D6 Liquor Permit to 5421 Fleet Avenue, LLC, DBA The 3rd Place, 3314 Warren Road, Cleveland, Ohio 44111, Permanent Number 27594040001 be and the same is hereby withdrawn and Resolution No. 839-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 8, 2010.
Effective November 11, 2010.

Res. No. 1475-10.
By Council Member Mitchell.
An emergency resolution with-
drawing objection to the renewal of a
C2 and C2X Liquor Permit at 7819-21
Cedar Avenue and repealing
Resolution No. 949-10, objecting to
said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 7819-21 Cedar Avenue by Resolution No. 949-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Nijmah Food Company, LLC, DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 6412877, be and the same is hereby withdrawn and Resolution No. 949-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 8, 2010.

Effective November 11, 2010.

Res. No. 1476-10.
By Council Member Reed.
An emergency resolution with-
drawing objection to the renewal of a
C2 and C2X Liquor Permit at 3744
East 144th Street and repealing
Resolution No. 951-10, objecting to
said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3744 East 144th Street by Resolution No. 951-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0300177, be and the same is hereby withdrawn and Resolution No. 951-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 8, 2010.

Effective November 11, 2010.

Res. No. 1477-10.
By Council Member Reed.
An emergency resolution with-
drawing objection to the renewal of a
C1 and C2 Liquor Permit at 4563
Warner Road and repealing
Resolution No. 1104-10, objecting to
said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 4563 Warner Road by Resolution No. 1104-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Basimas Market, Inc., 4563 Warner Road, Cleveland, Ohio 44105, Permanent Number 0498906, be and the same is hereby withdrawn and Resolution No. 1104-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 8, 2010.

Effective November 11, 2010.

Res. No. 1482-10.
By Council Members Reed,
Sweeney, Dow, Cummins, Mitchell,
Cimperman, Keane, Miller, J.
Johnson, Westbrook, Conwell, Brady,
Zone, Kelley, Cleveland, Brancatelli
and Pruitt.

An emergency resolution honoring Cleveland Public Library that ranked one of the top five libraries in the country, receiving the highest possible rating of five stars in the *Library Journal's* America's Star Libraries 2010.

Whereas, Cleveland Public Library is ranked one of the top five libraries in the country, receiving the highest possible rating of five stars in the *Library Journal's* America's Star Libraries 2010; and

Whereas, Felton Thomas, Director of Cleveland Public Library said "This is great news for our Cleveland community; our goal is to provide our patrons easy access to our collections, programs, and computers, and we're honored to receive this recognition"; and

Whereas, *Library Journal* Index of Public Library Service (LJ Index) ranks more than 7,400 library systems in four categories: library visits, circulation, program attendance, and public Internet usage; and

Whereas, Cleveland Public Library ranked fifth out of all library systems of its size; and

Whereas, Cleveland Public Library is the place for all Clevelanders to dream, create and grow; and

Whereas, Cleveland Public Library serves four million patrons annually at 28 branches across the city, lending more than 6.5 million from a collection of more than 10 million items; and

Whereas, Cleveland Public Library services are also available at the Public Administration Library in City Hall, "The People's University on Wheels" Bookmobile, Ohio Library for the Blind and Physically Disabled, and the On the Road to Reading literacy van.

Whereas, Six of the participating 31 libraries of the CLEVENET library partnership were ranked as Star Libraries: Cleveland Public Library, East Cleveland Public Library, Euclid Public Library, Fairport Harbor Public Library, Orrville Public Library, Shaker Heights Public Library, Twinsburg Public Library, and Wickliffe Public Library; and

Whereas, Five of the nine libraries in the county of Cuyahoga were ranked as Star Libraries: Cuyahoga County Public Library, Cleveland Public Library, East Cleveland Public Library, Euclid Public Library and Shaker Heights Public Library; and

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

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

Section 1. That this Council honors Cleveland Public Library that ranked one of the top five libraries in the country, receiving the highest possible rating of five stars in the *Library Journal's* America's Star Libraries 2010.

Section 2. That the Clerk of Council is directed to send copies of this resolution to Cleveland Public Library, Felton Thomas, Director, and Mayor Frank G. Jackson.

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

Adopted November 8, 2010.

Effective November 11, 2010.

Ord. No. 1184-10.
By Council Members Keane, Cleve-
land 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.

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1259-10.
By Council Members Keane, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract Nos. 68393 and 68394 with Parking Solutions, Inc., an Ohio Corporation to operate a valet parking service concession and to lease space to operate the service at Cleveland Hopkins International Airport, for the Department of Port Control.

Whereas, under the authority of Ordinance No. 132-07, passed June 4, 2007, the Director of Port Control entered into Contract Nos. 68393 and 68394 with Parking Solutions, Inc., an Ohio Corporation to operate a valet parking service concession and to lease space to operate the service at Cleveland Hopkins International Airport, for the Department of Port Control; and

Whereas, Ordinance No. 132-07 requires further legislation before exercising the first option to renew on these contracts; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. 68393 and 68394 with Parking Solutions, Inc., an Ohio Corporation to operate a valet parking service concession and to lease space to operate the service at Cleveland Hopkins International Airport, for the Department of Port Control for an additional year. This

ordinance constitutes the additional legislative authority required by Ordinance No. 132-07 to exercise these options.

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1324-10.
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 Circadian Knight Corp. d/b/a Top Gun for the lease of office space at Burke Lakefront Airport for flight training and related services, 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 Circadian Knight Corp. d/b/a Top Gun ("Lessee") for use and occupancy of approximately 205 square feet of office space located in Room 162 of the terminal building at Burke Lakefront Airport ("Leased Premises") for flight training and related services. The term of the lease shall be for a two year period, commencing on the effective date of the Lease, with two one-year options to renew. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. For use of the Leased Premises, Lessee shall pay the City the greater of an annual rate of Two Thousand Five Hundred Sixty-Two Dollars and Fifty Cents (\$2,562.50) which is equal to \$12.50 per square foot or fair market value as established by an independent third party appraisal. Such rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1325-10.
By Council Members Mitchell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance to appropriate a temporary construction easement for the public purpose of replacing the East 93rd Street, including East 93rd Street bridge.

Whereas, the Council of the City of Cleveland, by Resolution No. 1196-10, adopted September 13, 2010, declared the necessity and intention of appropriating the temporary construction easement described in this ordinance for the public purpose of replacing East 93rd Street, including the East 93rd Street bridge; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of replacing the East 93rd Street, including the East 93rd Street bridge, the following described temporary construction easement is appropriated:

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 Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the temporary construction easement described above.

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 November 8, 2010.

Effective November 11, 2010.

Ord. No. 1349-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2011 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities to implement the program.

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

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

Section 1. That the Director of Law is authorized to apply for and accept a grant in the approximate amount of \$127,293, and any other funds that may become available during the grant term, from the Criminal Justice Service Agency, to conduct the 2011 Cleveland Domestic Violence Program, for the purposes set forth in the application and according thereto; that the Director of Law is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 1349-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$42,431, from Fund No. 01-1001-6397, is approved in all respects.

Section 3. That the Director of Law is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with other entities to implement the program as described in the file.

Section 4. That the cost of the contract or contracts shall be paid from

the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1350-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware and software, including printers, ancillary accessories, parts, supplies, peripheral devices, and labor and materials for installation if necessary, and maintenance, support, and training, for the various divisions of City government, for a period of three years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of three years, with two one-year options to renew, of the necessary items of hardware and software, including printers, ancillary accessories, parts, supplies, peripheral devices, and labor and materials for installation if necessary, and maintenance, support, and training, 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. 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. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Finance without the necessity of obtaining additional authority of this Council.

Section 2. That the 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 pur-

chase, 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 1511 RL 2010-52)

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1354-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Case Western Reserve University for the 2010 Emergency Management for Higher Education Grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$60,040, and any other funds that may become available during the grant term from Case Western Reserve University to conduct the 2010 Emergency Management for Higher Education Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1354-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1355-10.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Department of Justice Violence Against Women through the County Criminal Justice Services Agency for the 2011 Cleveland Domestic Violence Program; and authorizing the Director to enter into one or more contracts with Cuyahoga County to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$127,293 from the Department of Justice Violence Against Women through the County Criminal Justice Services Agency to conduct the 2011 Cleveland Domestic Violence Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1355-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority; including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$42,431 from Fund Nos. 10 SF 025, 10 SF 027, and 20 SF 049, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to implement the grant as described in the file.

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1356-10.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2010 Ohio Prescription Drug Grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$15,000, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the 2010 Ohio Prescription Drug Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1356-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1357-10.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospital for the 2011 Cleveland High Visibility Enforcement Overtime Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$83,220.48, and any other funds that may become available during the grant term from University Hospital to conduct the 2011 Cleveland High Visibility Enforcement Overtime Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the services agreement for the grant contained in the file described below.

Section 2. That the services agreement for the grant, File No. 1357-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1358-10.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from United States Department of Justice, COPS Office, for the 2010 COPS Technology Program; and authorizing the Director to employ one or more professional consultants to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$300,000, and any other funds that may become available during the grant term from the United States Department of Justice, COPS Office, to conduct the 2010 COPS Technology Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application packet for the grant contained in the file described below.

Section 2. That the application packet for the grant, File No. 1358-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

Section 5. That the cost of contract or contracts authorized shall

be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and the cash match.

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

Passed November 8, 2010.

Effective November 11, 2010.

**Ord. No. 1360-10.
By Council Member Sweeney (by
departmental request).**

An emergency ordinance authorizing the issuance and sale of water revenue obligations to refund outstanding water revenue obligations; authorizing agreements related to the obligations; and authorizing and approving related matters.

Whereas, the City of Cleveland, Ohio, a municipal corporation and political subdivision of the State of Ohio, is authorized under Article XVIII of the Ohio Constitution and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to the Waterworks System; and (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding obligations issued for that purpose; and

Whereas, pursuant to that authority the City has issued Bonds, from time to time, under the terms of the Amended and Restated Trust Indenture, effective as of October 5, 2001, as supplemented and amended from time to time, between the City and U.S. Bank National Association, as trustee (the "Indenture"), and the Bonds are secured thereunder by a pledge of and lien on the Net Revenues of the Waterworks System, each as defined in the Indenture; and

Whereas, this Council has determined to authorize the issuance by the City of Refunding Bonds under the Indenture for the purpose of refunding Outstanding Revenue Bonds, as defined and provided in this Ordinance, to obtain debt service savings, or to stabilize interest rates or minimize risks of increased interest expense on Outstanding Revenue Bonds that bear interest at variable rates, or to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable debt service structure; and

Whereas, under the authority of Article XVIII of the Ohio Constitution, the Charter of the City and Ordinance No. 261-10 passed by this Council on May 10, 2010, the City issued the Outstanding Subordinated Notes, defined in Section 1 of this Ordinance, secured by the Net Revenues of the Waterworks System on a basis subordinate to the Bonds, to provide interim financing for certain improvements to the Waterworks System, and this Council has determined to authorize the extension of that interim financing by the issuance of the Subordinated Refunding Notes, as defined and provided in this Ordinance; and

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

a municipal department and providing for the immediate preservation of public peace, property, health or safety, in that authorizing the issuance and sale of obligations to refund the Outstanding Bonds and the Outstanding Subordinated Notes and authorizing related agreements is necessary to enable the City to respond to market conditions on a timely basis for the benefit of the Waterworks System; now, therefore, Be it ordained by the Council of the City of Cleveland:

Section 1. Definitions. In addition to the words and terms defined in the Indenture, the following words and terms shall have the following meanings, unless the context or use clearly indicates another or different meaning or intent:

"Bonds" or "Water Revenue Bonds" means all Bonds issued and outstanding under the Indenture.

"Bond Purchase Agreement" means, as to each Series of Refunding Bonds, the purchase agreement between the City and the Original Purchasers authorized by Section 4 with respect to that Series.

"Certificate of Award" means, (a) as to each Series of Refunding Bonds, the certificate determining the final terms of the Refunding Bonds of that Series, consistent with the requirements of this Ordinance, including, without limitation, Section 4, and (b) as to each Series of Subordinated Refunding Notes, the certificate determining the final terms of the Subordinated Refunding Notes, consistent with the requirements of this Ordinance, including, without limitation, Section 18.

"Continuing Disclosure Agreement" means, as to each Series of Refunding Bonds and Subordinated Refunding Notes, any continuing disclosure agreement authorized by Section 14.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity facility used to enhance or provide for the security or liquidity of Refunding Bonds or Subordinated Refunding Notes of any Series, or any Hedge Agreements.

"Escrow Agreement" means one or more agreements between the City and the Trustee, in its capacity as Escrow Agent, authorized by Section 7 or Section 17.

"Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Escrow Agent pursuant to an Escrow Agreement.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, pursuant to Section 19.

"Hedge Agreement" means any agreement defined as such in Section 11.

"Indenture" means the Original Indenture as previously supplemented and amended and as further supplemented and amended by Supplemental Indentures as provided in this Ordinance for the Refunding Bonds.

"Note Purchase Agreement" means as to each Series of Subordinated Refunding Notes, the purchase agreement between the City and the Original Purchasers authorized by Section 18 of this Ordinance.

"Original Indenture" means the Amended and Restated Trust Inden-

ture, effective October 5, 2001, between the City and U.S. Bank National Association, as successor trustee, delivered under authority of Ordinance No. 2011-95 passed by the Council of the City on April 1, 1996 and with the consent of the owners of 66-2/3% of the applicable Outstanding Revenue Bonds under the Indenture of Mortgage dated as of November 1, 1977.

"Original Purchasers" means, with respect to each Series of Refunding Bonds and Subordinated Refunding Notes, the financial institutions identified in the applicable Certificate of Award.

"Outstanding Revenue Bonds" means Water Revenue Bonds of the City issued and outstanding, from time to time, under the Indenture. On the date of introduction of this Ordinance the following Bonds are Outstanding: Series G (currently outstanding in the amount of \$94,830,000), Series H (currently outstanding in the amount of \$2,020,000), Series J (currently outstanding in the amount of \$52,700,000), Series K (currently outstanding in the amount of \$52,810,000), Series N (currently outstanding in the amount of \$33,045,000), Series O (currently outstanding in the amount of \$138,725,000), Series P (currently outstanding in the amount of \$135,410,000), Series Q (currently outstanding in the amount of \$90,800,000), Series R (currently outstanding in the amount of \$54,735,000), Series S (currently outstanding in the amount of \$26,295,000) and Series T (currently outstanding in the amount of \$83,340,000).

"Outstanding Subordinated Notes" means the Water Revenue Subordinated Notes, Series 2010, issued on August 19, 2010 and any obligations issued to refund those obligations.

"Refunded Bonds" means, as to each Series of Refunding Bonds, the Outstanding Revenue Bonds designated in the Certificate of Award as the Water Revenue Bonds to be refunded with proceeds of that Series of Refunding Bonds.

"Refunding Bonds" means the obligations authorized by this Ordinance to be issued in one or more Series as additional Water Revenue Bonds under the Indenture for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated maturities thereof, or one or more Series of Refunding Bonds.

"Registrar Agreement" means the agreement authorized by Section 18 of this Ordinance with respect to Subordinated Refunding Notes.

"Subordinated Refunding Notes" means the obligations authorized by this Ordinance to be issued in one or more Series for the purpose of refunding Outstanding Subordinated Notes.

"Supplemental Indenture" means, as to each Series of Refunding Bonds, the Supplemental Indenture between the City and the Trustee securing that Series of Refunding Bonds as authorized under Section 7.

"Taxable Obligations" means any Refunding Bonds and Subordinated Refunding Notes the interest on which is included in gross income for federal income tax purposes.

"Tax-Exempt Obligations" means any Refunding Bonds and Subordinated Refunding Notes the interest on which is excluded from gross income for federal income tax purposes.

"Tender Offer" means an offer by the City to holders of Outstanding Revenue Bonds for the purchase of the Outstanding Bonds in lieu of redemption.

Section 2. Authorization of the Refunding Bonds. This Council authorizes the City to issue the Refunding Bonds in one or more Series for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated portions thereof, to obtain aggregate net present value debt service savings, or to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable debt service structure or more favorable terms under Credit Support Instruments. With respect to Outstanding Revenue Bonds that are short-term or variable-rate obligations, this Council authorizes the City to issue Refunding Bonds to refund such Outstanding Revenue Bonds, or designated portions thereof, for the further purpose that the Director of Finance has determined, based on the written advice of a Financial Advisor, that such Outstanding Revenue Bonds are subjecting the City to undesirably high rates of interest or undesirable fluctuations in rates of interest or risks or expenses associated with Credit Support Instruments that can economically be avoided or mitigated through refunding. The principal amount of each Series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 4 and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds to be refunded by that Series, (ii) to fund any deposit to the Debt Service Reserve Fund required under the Indenture or any special reserve fund for that Series separate from the Debt Service Reserve Fund, (iv) to pay costs of any Credit Support Instruments, (v) to pay any amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 5.

The Refunding Bonds may be issued in one or more separate Series, each bearing a distinctive designation, provided that the Refunding Bonds of each Series satisfy the requirements of this Ordinance. Separate Series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each Series shall be designated as provided in the applicable Certificate of Award and shall include in the designation reference to the calendar year in which the applicable Series is issued. A separate Certificate of Award and a separate Supplemental Indenture shall be delivered for each Series.

Section 3. Variable Rate Refunding Bonds. In the event that a Series of Refunding Bonds bear interest at variable interest rates, then the Director of Finance is authorized to determine the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that Series shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that no variable rate Refunding Bonds may bear interest at a rate in excess of twenty-five percent (25%) per year

(including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate Series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. The Director of Finance shall also designate in the Certificate of Award for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution thereof) the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of each Series of variable rate Refunding Bonds, and from time to time thereafter so long as the variable rate Refunding Bonds of that Series are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers), purchasers of tendered Refunding Bonds, and others as may be determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Refunding Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Refunding Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Refunding Bonds as provided in Section 9. The Director of Finance is authorized to pay any fees associated with agreements entered into or terminated pursuant to this Section from proceeds of Refunding Bonds, to the extent permitted by the Indenture, and from the Net Revenues of the Utility.

Section 4. Award and Sale of Refunding Bonds. The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one Series, a separate Certificate of Award shall be signed and delivered for each separately delivered Series. The sale of each Series of the Refunding Bonds shall be awarded to the Original Purchasers selected by the Director of Finance, based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Bonds. The Original Purchaser so selected shall be identified in the Certificate

of Award. Each Certificate of Award shall contain the final terms of the applicable Series of Refunding Bonds determined by the Director of Finance, based on the written advice of a Financial Advisor and consistent with this Ordinance and the Indenture, including the following:

(a) the aggregate principal amount of Refunding Bonds issued;

(b) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Bonds any aggregate original issue premium and subtracting from the amount any aggregate original issue discount, plus (ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;

(c) whether any Refunding Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date for those Refunding Bonds subject to prior redemption and the redemption price, which may be determined as a percentage of the principal amount redeemed or by a formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;

(d) the dates on which and amounts in which principal of the Refunding Bonds is to be paid, which shall be not later than thirty (30) years from their respective dates of issuance, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Refunding Bonds of a particular maturity;

(e) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed seven percent (7%) as to Refunding Bonds of any Series that are Tax-Exempt Obligations or nine percent (9%) as to Refunding Bonds of any Series that are Taxable Obligations, or the method by which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with Section 3;

(f) the particular Outstanding Revenue Bonds or portions thereof to be Refunded Bonds, and the date or dates on which the Refunded Bonds shall be called for redemption or otherwise retired;

(g) the title and Series designation for the Refunding Bonds;

(h) the amount, if any, and source of any money to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Service Reserve Requirement, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Refunding Bonds of any Series, separate from the Debt Service Reserve Fund, and any determination as to whether a Credit Support Instrument shall be provided in lieu of cash in the Debt Service Reserve Fund or such special reserve fund;

(i) the Paying Agent; and

(j) whether any Refunding Bonds are to be secured by or payable from any Credit Support Instruments.

It is determined that the terms of the Refunding Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Cer-

tificate of Award will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance may enter into a Bond Purchase Agreement with the Original Purchasers of each Series of Refunding Bonds setting forth the conditions for delivery of the Refunding Bonds that are consistent with this Ordinance, the Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for water revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official Statement of the City described in Section 14.

Section 5. Application of Proceeds of Refunding Bonds. The proceeds of the sale of each Series of Refunding Bonds shall be deposited as provided in the applicable Supplemental Indenture, including:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Refunding Bonds as accrued interest on any Refunding Bonds from their dated date to the date of the delivery of and payment for those Refunding Bonds;

(c) to the Trustee, for deposit to the credit of the Debt Service Reserve Fund or any special reserve fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund or such special reserve fund from the proceeds of the Refunding Bonds;

(d) to the Trustee, for payment to the holders of the Refunded Bonds or for deposit to the credit of any Escrow Fund established pursuant to any Escrow Agreement, proceeds to be applied to refund the Refunded Bonds;

(e) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Refunding Bonds, including any termination payment in the event that the Director of Finance determines it is in the best interests of the City to terminate a Hedge Agreement relating to Outstanding Revenue Bonds; and

(f) to the Costs of Issuance Fund, to be created under the applicable Supplemental Indenture, such amounts as are needed to pay costs of issuing the Refunding Bonds and refunding the Refunding Bonds.

Provision shall be made in the Supplemental Indentures for the application of any amounts held in the funds and accounts established under the Indenture and no longer required for the security of Outstanding Revenue Bonds as a result of the Refunded Bonds' no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provisions may be made in the Supplemental Indentures for the creation of separate accounts within the funds established under the Indenture or Supplemental Indentures.

The proceeds from the sale of each Series of Refunding Bonds are appropriated and shall be used for

the purpose for which those Refunding Bonds are issued as provided in this Ordinance.

Section 6. Terms and Provisions Applicable to the Refunding Bonds.

(a) Form; Exchange and Transfer. All Refunding Bonds shall be issued in fully registered form and may be delivered in book-entry form. If delivered in book-entry form, Refunding Bonds shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Supplemental Indenture.

(b) Dates; Denominations. The Refunding Bonds of each Series shall be dated as of the date or dates provided in the Certificate of Award and shall be issued in the denominations permitted in the applicable Supplemental Indenture.

(c) Interest and Place of Payment. The Refunding Bonds of each Series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Refunding Bonds, determined pursuant to the Supplemental Indenture). The Refunding Bonds of the same Series and same maturity may bear interest at different interest rates. The Refunding Bonds of each Series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each Refunding Bond of a Series shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the applicable Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The Refunding Bonds of each Series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Indenture.

(e) Optional and Mandatory Redemption. The Refunding Bonds of each Series may be subject to redemption prior to maturity at the option of the City, if and to the extent provided in the Certificate of Award. Any Refunding Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Indenture. The Refunding Bonds designated in the Certificate of Award as term bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Certificate of Award in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Certificate of Award and in accordance with the Supplemental Indenture.

(f) Purchase in Lieu of Redemption. The Refunding Bonds of each Series may be subject to purchase by the City in lieu of optional redemption if and to the extent provided in the Certificate of Award and the applicable Supplemental Indenture.

(g) Execution. The Refunding Bonds of each Series shall be signed by the persons and in the manner set forth in the Indenture.

(h) Numbering. The Refunding Bonds of each Series shall be numbered as determined by the Director of Finance.

Section 7. Authorization of Supplemental Indentures; Escrow Agreement.

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of each Series of the Refunding Bonds, a Supplemental Indenture, approved as to form by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Subject to the Original Indenture as theretofore amended, any Supplemental Indenture may contain amendments to the Original Indenture, as theretofore amended, or amend and restate the Original Indenture, to permit the City to obtain a Credit Support Instrument or to permit increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

In order to cause the proceeds of each Series of Refunding Bonds and any funds of the City deposited in an Escrow Fund to be invested as permitted under Section 9.02 of the Indenture so that the Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the applicable redemption date, the Director of Finance is authorized to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form by the Director of Law, providing for the establishment of each Escrow Fund as a trust fund in the custody of the Trustee and for the investment, dedication and application of the moneys deposited in the accounts therein and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the Refunded Bonds identified in the applicable Certificate of Award to be called for redemption prior to maturity and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Director of Finance is authorized to

take such other actions as may be necessary or appropriate to accomplish the refunding of Refunded Bonds, including without limitation, the retention of an independent public accounting firm to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates and interest payment dates, and bear such interest, as will be sufficient, together with any cash in an Escrow Fund, for the payment of debt service on the Refunded Bond to which the Escrow Fund relates and to make any determinations required for the interest on the Refunding Bonds to be excluded from gross income for federal income tax purposes.

Section 8. Rebate Fund. There is established and ordered to be maintained a separate account for each Series of Refunding Bonds within the Rebate Fund held in the custody of the Trustee under the Indenture. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Indenture as security for the Refunding Bonds or the Outstanding Revenue Bonds. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Indenture.

Section 9. Remarketing. In the event that the Director of Finance determines, based on the written advice of a Financial Advisor, that it is advantageous to the City to convert the interest on any Outstanding Revenue Bonds or Refunding Bonds to fixed interest rates for a period of time or to maturity, or to convert the interest on any Outstanding Revenue Bonds or Refunding Bonds to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any Outstanding Revenue Bonds or Refunding Bonds under the Indenture (such conversion or other actions and the tender and remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the Indenture. In connection with any remarketing of Bonds, the Director of Finance is authorized to take such actions that she determines, based on the written advice of a Financial Advisor, will facilitate the remarketing of the Bonds or otherwise be in the best interests of the City, including without limitation, obtaining one or more Credit Support Instruments, terminating any Credit Support Instrument, and entering into agreements with one or more purchasers for their direct purchase of the remarketed Bonds in lieu of a public offering of the Bonds by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Supplemental Indenture applicable to a Series of Bonds to be remarketed in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or otherwise obtain financing arrangements advantageous to the City, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized to sign and deliver an amendment of that

Supplemental Indenture, or an amended and restated Supplemental Indenture, approved as to form by the Director of Law, subject to the Original Indenture as theretofore amended.

The Director of Finance is further authorized to satisfy the Debt Service Reserve Requirement or any special reserve fund requirement for the Series of Bonds to be remarketed, by the deposit of a Credit Support Instrument in lieu of cash, as permitted and more specifically provided in the Indenture, and to apply cash released from the Debt Service Reserve Fund or such special reserve fund to the payment of costs of remarketing or other purposes permitted by applicable laws. To the extent the costs of remarketing are not paid from any cash released from the Debt Service Reserve Fund or such special reserve fund, those costs shall be paid from funds of the Water Division, which are appropriated for that purpose.

The Director of Finance and the Director of Public Utilities are authorized to prepare one or more disclosure documents in connection with any remarketing of Bonds under the same terms and conditions as set forth in Section 14 of this Ordinance with respect to the issuance of Refunding Bonds. The Director of Finance, the Director of Public Utilities or any other officer of the City, as appropriate under the Charter, is authorized to take such actions or cause to be taken such actions as are necessary to maintain the applicable tax status of such Bonds and the covenants and authorizations in Section 12 of this Ordinance shall apply to such Bonds. The Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the remarketing of any Bonds and to take all actions necessary to effect the remarketing of any Bonds under the terms of this Ordinance and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Trustee a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the remarketing of any Bonds along with such information for the records as is necessary to determine the validity of the remarketing.

Section 10. Tender Offers. In connection with refinancing or restructuring any Outstanding Revenue Bonds, the Director of Finance is authorized to make a Tender Offer for those Outstanding Revenue Bonds or any one or more maturities of the Outstanding Revenue Bonds on such terms as the Director of Finance determines, in consultation with a Financial Advisor, will result in debt service savings to the City or the elimination or modification of covenants that are unduly restrictive or a more favorable debt service structure or more favorable terms under Credit Support Instruments or other advan-

tages to the City. The purchase price for the purchase of any Outstanding Revenue Bonds tendered for purchase in response to the Tender Offer shall be paid from proceeds of Refunding Bonds and any other funds of the City available for the purpose. The Director of Finance is authorized to retain the services of one or more firms to serve as dealer manager, depository and information agent in connection with any Tender Offer and to pay the fees and expenses of those firms from proceeds of Refunding Bonds or other funds of the City available for the purpose; provided the Director of Finance determines that the firms so retained possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to prepare disclosure documents relating to the terms and conditions of the Tender Offer and containing information about the City and the Waterworks System and to authorize the use and distribution of those disclosure documents.

Section 11. Authorization of Hedging Arrangements. This Council finds that by engaging in interest rate hedging arrangements with respect to Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of its fixed and variable rate obligations or minimizing the risk of variations in its debt service costs or obtaining savings by confirming rates of interest on Bonds in advance of their issuance. To permit the City to have the flexibility to undertake with respect to Bonds interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements, including amendments or supplements to existing agreements (each, a "Hedge Agreement"), and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Bonds issued or to be issued under the Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the counterparty shall be rated at the time of signing the Hedge Agreement not lower than A by at least one rating agency or its obligations under the Hedge Agreement shall be guaranteed or insured by an entity rated at the time of signing the Hedge Agreement not lower than A by at least one rating agency, with such rating in either case determined without regard to a gradation by numerical or plus or minus or other modifier and (b) the term of each hedge transaction shall not exceed the final maturity of the Bonds to which the hedge relates.

The Director of Finance shall negotiate the terms of each Hedge Agreement with a counterparty satisfying the credit criteria in this Ordinance. The City shall receive a written opinion of a Financial Advisor that the payments to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, considering, among other things, the credit of the City and the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, and whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to terminate any Hedge Agreements in whole or in part or any Credit Support Instrument securing a Hedge Agreement if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into amendments or modifications of a Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement determined by the Director of Finance, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment or modification.

The City's obligations under any Hedge Agreement shall be payable from the Net Revenues of the Utility and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of Net Revenues, to the extent permitted by the Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

Section 12. Covenants of the City. The City, by issuance of each Series of Refunding Bonds, covenants and agrees with the Holders of that Series of Refunding Bonds, that:

(a) The City will use the proceeds of the Refunding Bonds for the purposes specified in Section 2.

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had

with reference to the issuance of the Refunding Bonds, together with information from the City's records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

(c) The City will, at any and all times, cause to be done all such further acts and things and cause to be signed and delivered all further instruments as may be necessary to carry out the purpose of the Refunding Bonds and this Ordinance or as may be required by Article XVIII of the Constitution of Ohio or the Charter of the City or the Indenture or the applicable Supplemental Indenture and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(d) The City will observe and perform all its agreements and obligations provided for in the Refunding Bonds, this Ordinance, the Indenture and each Supplemental Indenture. All of the obligations under this Ordinance and the Indenture and each Supplemental Indenture are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01, Ohio Revised Code.

(e) The City will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds that are issued as Tax-Exempt Obligations in such manner and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

(f) The City covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Refunding Bonds that are issued as Tax-Exempt Obligations to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Refunding Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Refunding Bonds is also made with respect to all issues for which any portion of the debt service is paid from proceeds of the Refunding Bonds (and, if different, the original issue and any refunding issues in a Series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Refunding Bonds that are issued as Tax-Exempt Obligations from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the Refund-

ing Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the Refunding Bonds.

The Mayor, the Director of Finance or any other officer of the City, as appropriate under the Charter, is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Refunding Bonds that are issued as Tax-Exempt Obligations or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amount or payments, as determined by that officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Refunding Bonds that are issued as Tax-Exempt Obligations, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the Refunding Bonds and interest thereon.

If the Director of Finance determines, based on the written advice of a Financial Advisor, and so specifies in the Certificate of Award that the best interests of the City would be served by issuing a Series of Refunding Bonds the interest on which would not be excluded from gross income for federal income tax purposes, then the tax-related covenants in this Section shall not apply to or be required to be made with respect to the Refunding Bonds of that Series.

Section 13. Ratings; Credit Enhancement. If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the filing of an application for a rating on one or more Series of Outstanding Revenue Bonds or Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Outstanding Revenue Bonds or Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will

result in debt service savings to the City, or will stabilize interest rates on those Bonds or will minimize the risk of increased interest expense on those Bonds. The Director of Finance is further authorized to terminate any such contract if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The cost of obtaining each rating and the cost of obtaining or terminating each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds of the Water Division, which are appropriated for that purpose.

Section 14. Official Statements; Continuing Disclosure. The Mayor, the Director of Finance, the Director of Public Utilities, the Commissioner of Water, or other City officials, as appropriate under the Charter, each is authorized, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of Refunding Bonds of one or more Series, and (ii) determine, and certify or otherwise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of one or more preliminary official statements are authorized and approved.

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, as appropriate under the Charter, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b)(3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of each Series of Refunding Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates regarding the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of each Series of Refunding Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Refunding Bonds

under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance and the Director of Public Utilities are authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds of that Series in accordance with SEC Rule 15c2-12. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

Section 15. Authorization of Other Documents. Each of the Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, is authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Indenture, any Escrow Agreements and any Hedge Agreements.

Each of the Mayor, the Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate under the Charter, is authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each Series of Refunding Bonds to the Original Purchasers and to take all actions necessary to effect due signing, authentication and delivery of each Series of Refunding Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of each Series of Refunding Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of those Refunding Bonds.

Section 16. Lien of Pledge. The Net Revenues of the Utility are subject to the lien of the pledge under the Indenture without any physical delivery of the Net Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Net Revenues or for the filing or recording of the Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Net Revenues under the Indenture shall

be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 17. Other Provisions for Payment of Outstanding Revenue Bonds. The City may, from time to time, deposit funds in trust with the Trustee under the Indenture or an Escrow Agreement for the payment of debt service requirements on any Outstanding Revenue Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Financial Advisor, doing so will improve the debt service coverage ratio of the Waterworks System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to make such deposits, from time to time, from moneys in the Additions and Improvements Fund under the Indenture (Fund No. 52-300 of the Water Division) in amounts that, in the aggregate, do not exceed \$50,000,000, with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the designated Outstanding Revenue Bonds, as and when due at maturity or upon prior redemption, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the Escrow Agreement. The officers signing the Escrow Agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the Escrow Agreement by those officers. The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Revenue Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys, for the payment of

debt service on the designated Outstanding Revenue Bonds.

Section 18. Authorization of Subordinated Refunding Notes. This Council authorizes the City to issue Subordinated Refunding Notes in one or more Series for the purpose of making provision for payment of Outstanding Subordinated Notes when due or upon prior redemption. The principal amount of each series of Subordinated Refunding Notes is to be the amount set forth in the Certificate of Award and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Outstanding Subordinated Notes to be refunded, (ii) to fund any deposit to any special reserve fund, (iv) to pay costs of any Credit Support Instruments, (v) to pay any amounts owed under any Hedge Agreements relating to the Outstanding Subordinated Notes, and (vi) to pay costs of issuing the Subordinated Refunding Notes and refunding the Outstanding Subordinated Notes. The proceeds from the sale of each issue of Subordinated Refunding Notes shall be allocated, deposited and applied as provided in the Certificate of Award.

The authorizations in this Ordinance with respect to Refunding Bonds shall apply to the Subordinated Refunding Notes subject to the following: (a) the principal of the Subordinated Refunding Notes shall be payable from the proceeds of a subsequent issue of Subordinated Refunding Notes or, subject to satisfaction of the requirements in the Indenture for the issuance of additional Bonds, from the proceeds of Bonds, (b) to the extent that the principal of and interest on the Subordinated Refunding Notes is not paid from the proceeds of a subsequent issue of Subordinated Refunding Notes or from the proceeds of Bonds, the Subordinate Refunding Notes shall be payable from and secured by the Net Revenues of the Waterworks System on deposit in the Additions and Improvements Fund established under the Indenture on a basis subordinate to the Bonds under the Indenture, (c) the Subordinated Refunding Notes shall not constitute "Bonds" under the Indenture, (d) the principal of the Subordinated Refunding Notes may not be accelerated if any Bonds are outstanding under the Indenture unless those outstanding Bonds have been accelerated, and (e) the final maturity of the Subordinated Refunding Notes shall be no later than five years from the date of issuance. The City covenants to do all things necessary to effect the issuance, sale and delivery, prior to the maturity of the Outstanding Subordinated Notes, of an issue of Subordinated Refunding Notes or an issue of Bonds, in either case in the principal amount that is necessary, together with any other moneys available to the City for the purpose, to pay the debt service on the Outstanding Subordinated Notes when due at maturity.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Trustee, in its capacity as registrar and paying agent for the Subordinated Refunding Notes (the "Registrar"), in substantially the form as the City and the Trustee entered into with respect to the Outstanding Subordinated Notes. The Registrar Agreement is approved,

together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Note Purchase Agreement, from the proceeds of the Subordinated Refunding Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. No Subordinated Refunding Notes shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication printed on the Subordinated Refunding Note is signed by the Registrar as authenticating agent. Authentication by the Registrar shall be conclusive evidence that the Subordinated Refunding Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City.

If determined by the Director of Finance, based on the advice of a Financial Advisor, that it will enhance the marketability of the Subordinated Refunding Notes, the Director of Finance may sign and deliver, in the name and on behalf of the City, a security agreement (the "Note Trust Agreement") providing for covenants of the City in addition to those contained in this Ordinance, for the establishment of a debt service reserve fund and other funds or accounts for the security of the Subordinated Refunding Notes, and other terms and conditions determined by the Director of Finance to be necessary to sell the Subordinated Refunding Notes and that are not inconsistent with this Ordinance or the Indenture. In that event, the provisions in the Registrar Agreement may be incorporated in the Note Trust Agreement and all references to the Registrar Agreement shall mean instead the Note Trust Agreement and all references to the Registrar shall mean instead the trustee under the Note Trust Agreement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Director of Public Utilities, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Registrar Agreement and any Note Trust Agreement as may be necessary or appropriate to issue and sell the Subordinated Refunding Notes and to consummate the transactions authorized by this Ordinance.

An account for the deposit of moneys to pay debt service on the Subordinated Refunding Notes (the "Subordinate Lien Debt Service Fund") is established as a separate

deposit account in the custody of the Trustee in the Additions and Improvements Fund held by the City in accordance with the Indenture. There shall be deposited in the Subordinate Lien Debt Service Fund the proceeds of Subordinated Refunding Notes or Bonds issued to pay when due the debt service on Outstanding Subordinated Notes. To the extent such proceeds are not sufficient for the purpose, there shall be deposited in the Subordinate Lien Debt Service Fund from the Net Revenues of the Waterworks System on deposit in the Addition and Improvements Fund moneys sufficient to timely pay any debt service on the Subordinated Refunding Notes not paid from such proceeds. Moneys on deposit in the Subordinate Lien Debt Service Fund may be invested by or at the direction of the Director of Finance in "Permitted Investments" as defined in the Indenture.

Section 19. Financial Advisors and Consultants. The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Finance may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Refunding Bonds or Subordinated Refunding Notes or the delivery of any Hedge Agreements concerning the utilization and operation of the Utility, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 20. Appointment of Successor Trustee. The Director of Finance is authorized to appoint a successor Trustee in the event that the current Trustee, U.S. Bank, National Association, shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 6.05 of the Original Indenture.

Section 21. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 22. Severability. Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

Section 23. Interpretation. Any provisions of the Codified Ordinances

of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Refunding Bonds or Subordinated Refunding Notes or matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures or other agreements or contracts made or entered into by the City.

Section 24. Validity. This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council. This Council further finds and determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Refunding Bonds and Subordinated Refunding Notes in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Refunding Bonds or Subordinated Refunding Notes have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds or Subordinated Refunding Notes.

Section 25. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 26. Sunset of Authorization. The authority granted by Section 2 of this Ordinance to issue Refunding Bonds and by Section 18 of this Ordinance to issue Subordinated Refunding Notes shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the Refunding Bonds or Subordinated Refunding Notes is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by Section 2 or Section 18, as applicable, of this Ordinance shall not expire as to those Refunding Bonds or Subordinated Refunding Notes, as the case may be. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 27. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all 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 November 8, 2010.

Effective November 11, 2010.

Ord. No. 1363-10.

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

An emergency ordinance authorizing the Director of Economic Development, on behalf of the City of Cleveland, to enter into one or more agreements, or amendments to existing agreements, with members of the Northcoast Brownfield Coalition to participate as a member for a period up to three years.

Whereas, under Ordinance No. 1530-08, passed October 13, 2008, this Council authorized the Director of Economic Development to apply for membership into a coalition that will apply for and accept a grant from the United States Environmental Protection ("United States EPA") agency for various Brownfield activities; and

Whereas, the name of the coalition is the Northcoast Brownfield Coalition and consists of the City of Cleveland, Cuyahoga County Department of Development, Cuyahoga County Board of Health, and the Cleveland-Cuyahoga County Port Authority; and

Whereas, under Ordinance No. 1530-08, the coalition applied for and received a FY 09 grant in the amount of \$1,000,000 which was used by coalition members to conduct environmental assessments in support of 30 development projects throughout the County, 23 of which are located in the City of Cleveland; and

Whereas, additional United States EPA FY 09 grant funds may be available to be awarded; and

Whereas, the United States EPA announced the FY 11 funding round and applications are due in October, 2010; and

Whereas, continued membership into this coalition is desired in order to apply for any supplemental FY 09 grant funds and for any new FY 11 grant funds from the United States EPA, as they become available, and also grant funds from various entities, in order to continue and supplement this successful program; 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 Economic Development, on behalf of the City of Cleveland, is authorized to enter into one or more agreements, or amendments to existing agreements, with members of the Northcoast Brownfield Coalition to participate as a member for a period up to three years, which include applying for and accepting grants and administering grant funds received.

Section 2. That, as a member of the Northcoast Brownfield Coalition, the Director of Economic Development on behalf of the City of Cleveland, is authorized to apply for and accept one or more FY 09 and FY 11 grants from the United States EPA and to apply for and accept one or more grants from other entities to conduct various brownfield assessment activities consistent with its membership in the Northcoast Brownfield Coalition.

Section 3. That, as a member of the Northcoast Brownfield Coalition, the Director of Economic Development on behalf of the City of Cleveland, is authorized to file any

papers and execute all documents necessary to participate in the coalition and to implement any grants authorized in this ordinance.

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1412-10.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the title and Section 1 of Ordinance No. 1709-09, passed November 30, 2009, are amended to read as follows:

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

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

vice, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Information Technology and Services, Department of Finance. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Finance, without the necessity of obtaining additional authority of this Council.

Section 2. That the existing title and Section 1 of Ordinance No. 1709-09, passed November 30, 2009, are repealed.

Section 3. That a list of City-owned properties at which equipment will be installed under the authority of this ordinance as identified at the Finance Committee of Council shall be contained in File No. 1412-10-A, and may be supplemented by the Director of Finance by notification to this Council identifying such additional City-owned properties.

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1414-10.

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

An emergency ordinance authorizing Director of Public Safety to extend Contract No. 64776 with ACS State & Local Solutions, Inc. for traffic photo enforcement on a month-to-month basis, for a period not to exceed six months.

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

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

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1465-10.

By Council Member Cimperman.

An emergency ordinance authorizing Diana Dumitru to engage in mobile peddling in Ward 3.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of

Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 3; and

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

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

Section 1. That, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Diana Dumitru to engage in mobile peddling in the public right of way in Ward 3.

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 herein may be revoked at any time by this Council.

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1466-10.

By Council Member J. Johnson.

An emergency ordinance authorizing Nikolaos Likos to engage in peddling in Ward 8.

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

Whereas, this Council has considered the requests of Nikolaos Likos to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow Nikolaos Likos to engage in peddling in Ward 8; 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, pursuant to Section 675.07 of the Codified Ordinances, this Council hereby consents to allow the person named in this section to engage in peddling in the public right of way in Ward 8 at the locations specified: Nikolaos Likos, 4005 Chester Avenue.

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

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

Section 4. That this ordinance supersedes any and all preceding ordinances that may authorize peddling at the above named location.

Section 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1470-10.

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

An emergency ordinance providing for two allocations of Recovery Zone Facility Bond capacity in connection with the issuance and sale of one issue of bonds in the maximum principal amount of \$3,615,000, and another issue of bonds in the maximum principal amount of \$13,000,000, both issues being for the purpose of providing funds for improving buildings and structures and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and to pay all expenses incurred in connection with the issuance of the bonds; and to authorize agreements with respect to the bonds.

Whereas, pursuant to the American Recovery and Reinvestment Act of 2009 ("ARRA") which enacted Section 1400U-1(a)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), the Internal Revenue Service announced that the City of Cleveland (the "City") had been allocated \$24,885,000 in Recovery Zone Facility Bond limitation (the "Original Allocation"); and

Whereas, the City has previously applied all of such Original Allocation to the Flats East Bank Project, as more fully described in Section 1 hereof, pursuant to Ordinance 1384-09, as amended by Ordinances 894-10 and 1181-10; and

Whereas, the City has been notified that it has been awarded a supplemental allocation of an additional \$3,615,000 in Recovery Zone Facility Bond allocation (the "Supplemental Flats Allocation"); and

Whereas, in addition to the bonds to be issued pursuant to the Original Allocation, the Treasurer of State, State of Ohio (the "Flats Issuer") has been requested to issue additional bonds in an aggregate principal amount not to exceed such Supplemental Flats Allocation (the "Flats Bonds") to provide additional tax-exempt financing the cost of the permanent improvements described in Section 1; and

Whereas, the Flats Issuer desires to treat the Flats Bonds as "Recovery Zone Facility Bonds" as defined in Section 1400U-3 of the Code; and

Whereas, the City wishes to allocate the entire Supplemental Flats Allocation to the Flats Issuer, to enable the Flats Issuer to issue the Flats Bonds as Recovery Zone Facility Bonds; and

Whereas, the City has been notified that it has been awarded a supplemental allocation of an additional \$13,000,000 in Recovery Zone Facility Bond allocation (the "Supplemental Rockwell Allocation"); and

Whereas, the Cleveland-Cuyahoga County Port Authority (the "CCPA") desires to issue bonds in a principal amount not to exceed \$8,500,000 and the Summit County Port Authority (the "SCPA") desires to issue bonds in a principal amount not to exceed \$4,500,000 (collectively, the "Rockwell Bonds") to finance the cost of certain permanent improvements described in Section 3; and

Whereas, the CCPA and SCPA desire to treat the Rockwell Bonds as "Recovery Zone Facility Bonds" as defined in Section 1400U-3 of the Code; and

Whereas, the City wishes to allocate the entire Supplemental Rockwell Allocation to the CCPA and SCPA, to enable the CCPA and SCPA to issue the Rockwell Bonds as Recovery Zone Facility Bonds; and

Whereas, the issuance of the Flats Bonds and the Rockwell Bonds is necessary to provide funds to pay the costs of the permanent improvements described in Sections 1 and 3, which are urgently needed for the benefit of the City, and the ability to issue the Bonds expires after December 31, 2010, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose - Flats East Bank Project. It is deemed necessary to enable the Flats Issuer to issue the Flats Bonds in an aggregate principal amount not to exceed Three Million Six Hundred Fifteen Thousand Dollars (\$3,615,000) for the purposes of (i) assisting Flats East Office LLC (the "Company") in financing a portion of the costs of the acquisition and construction, reconstruction, renovation, or improvement of Recovery Zone Property, to-wit an approximately 476,000 square foot commercial office building for use by the Company in the leasing of such space to commercial businesses, which facility will be used in the active conduct of a Qualified Business within a Recovery Zone (all within the meaning of Section 1400U-3 of the Code) (the "Flats East Bank Project"), (ii) funding capitalized interest related to the Project, and (iii) paying certain expenses incurred in connection with the issuance of the Flats Bonds, not to exceed 2% of the sale proceeds, including the cost of any credit enhancement connected with the facility financed with the Flats Bonds. The Flats East Bank Project is located in the City and bounded on the west by West Tenth Street, on the south by Main Avenue, on the north by Front Avenue, and on the east by properties fronting on West Ninth Street. The Flats East Bank Project will be owned by the Cleveland-Cuyahoga County Port Authority and used by the Company pursuant to a capital lease in the active conduct of a Qualified Business within the Recovery Zone and the City, to promote economic development and increase employment within the City and the State.

Section 2. Waiver. The City hereby waives to the Flats Issuer, Three Million Six Hundred Fifteen Thousand Dollars (\$3,615,000) of Recovery Zone Facility Bond limitation, to enable the Flats Issuer to treat the Flats Bonds issued to finance the Flats East Bank Project as Recovery Zone Facility Bonds. This allocation is contingent upon bond counsel delivering a satisfactory opinion to the City that the issuance and use of proceeds of the Flats Bonds comply with the requirements of the Code, including Sections 1400U-1 through 1400U-3 of the Code, and the City being provided satisfactory indemnification from any liability arising from the issuance of the Bonds.

Section 3. Purpose - Rockwell Building Project. It is deemed necessary to enable the CCPA and SCPA to issue the Rockwell Bonds in an aggregate principal amount not to exceed Thirteen Million Dollars (\$13,000,000), for the purposes of (i) assisting Rockwell Property, LLC and Rockwell Land Management Co., LLC (the "Companies") in financing a portion of the costs of the acquisition and construction, reconstruction, renovation, or improvement of Recovery Zone Property, to-wit an approximately 115,000 square foot commercial office building for use by one or both of the Companies in the leasing of such space to commercial businesses, which facility will be used in the active conduct of a Qualified Business within a Recovery Zone (all within the meaning of Section 1400U-3 of the Code) (the "Rockwell Building Project"), (ii) funding capitalized interest related to the Rockwell Building Project, and (iii) paying certain expenses incurred in connection with the issuance of the Rockwell Bonds, not to exceed 2% of the sale proceeds, including the cost of any credit enhancement connected with the facility financed with the Rockwell Bonds. The Rockwell Building Project is located in the City and located at the northeast corner of East Sixth Street and Rockwell Avenue. The Rockwell Building Project will be owned by the CCPA and used by one or both of the Companies pursuant to a capital lease in the active conduct of a Qualified Business within the Recovery Zone and the City, to promote economic development and increase employment within the City and the State.

Section 4. Waiver. The City hereby waives the entire Supplemental Rockwell Allocation to the CCPA and the SCPA, to be divided between such entities with Eight Million Five Hundred Thousand Dollars (\$8,500,000) of Recovery Zone Facility Bond limitation for CCPA and Four Million Five Hundred Thousand Dollars (\$4,500,000) of Recovery Zone Facility Bond limitation for SCPA, or in such other amounts as shall be mutually agreed upon by CCPA and SCPA in a Cooperative Agreement. The allocations herein are being made to enable the CCPA and SCPA to treat the Rockwell Bonds issued to finance the Rockwell Building Project as Recovery Zone Facility Bonds. This allocation is contingent upon bond counsel delivering a satisfactory opinion to the City that the issuance and use of proceeds of the Rockwell Bonds comply with the requirements of the Code, including Sections 1400U-1 through 1400U-3 of the Code, and the City being provided satisfactory indemnification from any liability arising from the issuance of the Rockwell Bonds.

Section 5. Officials Authorized. This Council authorizes the Mayor, Director of Economic Development, Director of Finance, the Department of Law, as appropriate, to sign, deliver, or file any documents, agreements or certificates in connection with the waiver of its Recovery Zone Facility Bond allocation to the Bonds, as may be required by ARRA, the Code, the Treasury Regulations promulgated thereunder, and any other applicable statute of regulation, as the Mayor, Director of Economic Development, Director of Finance, the Department of Law deems necessary and appropriate.

Section 6. Captions. The captions or headings in this Ordinance are for

convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 7. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance, were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 8. Findings and Recitals of Validity. It is hereby determined, represented and recited that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 9. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 10. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 11. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two thirds of all 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 date allowed by law.

Passed November 8, 2010.

Effective November 8, 2010.

Ord. No. 1471-10.

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

An emergency ordinance to amend Section 4 of Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, relating to authorizing the Director of Economic Development to apply for and accept a HUD 108 loan from the United States Department of Housing and Urban Development and to enter into contract with Flats East Development LLC to partially finance the development located at the mouth of the Cuyahoga River on Lake Erie.

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

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

Section 1. That Section 4 of Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, is amended to read as follows:

Section 4. a) That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1383-09-B and supplemented by File No. 1383-09-C, 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, with the addition of the requirements of division (b) of this section, and are approved in all respects and shall not be changed without additional legislative authority.

b) Developer shall use reasonable efforts to maximize permanent employment opportunities by working with the City's Employment Connections Office to identify qualified Applicants.

Section 2. That existing Section 4 of Ordinance No. 1383-09, passed October 5, 2009, as amended by Ordinance No. 716-10, passed June 7, 2010, is repealed.

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

Passed November 8, 2010.

Effective November 8, 2010.

Ord. No. 1479-10.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the St. Clair Superior Development Corporation for the Holiday Gift Baskets and Food Gift Card Program through the use of Ward 7 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective November 15, 2010 with the St. Clair Superior Development Corporation for the Holiday Gift baskets and Food Gift Card Program for the public purpose of providing food baskets and food gift cards to low-to-moderate income residents residing in the city of Cleveland through the use of Ward 7 Neighborhood Equity Funds.

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

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1480-10.

By Council Member Mitchell.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Fairfax Renaissance Development Corporation for the Holiday Food Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective November 15, 2010 with the Fairfax Renaissance Development Corporation for the Holiday Food Program for the public purpose of providing food gift cards to low-to-moderate income residents residing in the city of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed November 8, 2010.

Effective November 11, 2010.

Ord. No. 1481-10.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants necessary to advertise for, recruit, evaluate, and recommend potential candidates for the position of Commissioner of Water, and to perform other related services, for a period not to exceed six months.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to advertise for, recruit, evaluate, and recommend potential candidates for the position of Commissioner of Water, and to perform other related services, for a period not to exceed six months.

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

Section 2. That the cost of the contract or contracts authorized shall not exceed \$100,000 and shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2010-184.

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 November 8, 2010.

Effective November 11, 2010.

Ord. No. 1483-10.

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 Services Center for Snow Removal and Landscape Maintenance Program through the use of Ward 1 Neighborhood Equity Funds

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective December 1, 2010 with the Harvard Community Services Center for the Snow Removal and Landscape

Maintenance Program for the public purpose of providing snow removal and landscaping services to senior citizens and disabled residents residing in the city of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

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

Passed November 8, 2010.

Effective November 11, 2010.

COUNCIL COMMITTEE MEETINGS

Monday, November 15, 2010 9:00 a.m.

Public Parks, Property and Recreation & Public Service Committees: Present in Parks: K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed. Pro tempore: Sweeney, Pruitt.

Present in Service: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney. Pro tempore: Brancatelli, Reed

1:45 p.m.

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

2:00 p.m.

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

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

Tuesday, November 16, 2010 9:30 a.m.

Community and Economic Developments Committee: Present: Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, Miller, Pruitt, Westbrook, Zone. Authorized Absence: J. Johnson.

Wednesday, November 17, 2010 10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller. Authorized Absence: Mitchell, Zone.

12:00 p.m.

Public Parks, Property and Recreation & Public Service Committees: Present in Parks: K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Dow, Polensek, Reed. Authorized Absence: Cimperman. Pro tempore: Miller.

Present in Service: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

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