

The City Record

Official Publication of the Council of the City of Cleveland



August the Nineteenth, Two Thousand and Nine

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	Nathaniel K. Wilkes
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Mamie J. Mitchell
7	TJ Dow
8	Shari L. Cloud
9	Kevin Conwell
10	Eugene R. Miller
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Martin J. Keane

The City Record is available online at
www.clevelandcitycouncil.org

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	3
Board of Zoning Appeals	3
Board of Building Standards and Building Appeals	4
Public Notice	4
Public Hearings	4
City of Cleveland Bids	5
Adopted Resolutions and Ordinances	5
Committee Meetings	58
Index	59



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	Nathaniel K. Wilkes	8410 Vineyard Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
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	8323 Pulaski Avenue	44103
8	Shari L. Cloud	1152 East 98th Street	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	Joe Cimperman	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,
 Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
 Karen E. Martines, 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, Interim Director, 1201 Lakeside Avenue

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

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

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

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

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

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

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

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

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, 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 – Omayra G. Feliciano, Acting Director

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

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

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

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

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

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

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

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

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

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connally, Hillary S.
 Taylor.

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

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

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

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

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

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, 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 Down-
 ing, 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	12A
Judge Emanuella Groves	13A
Judge Larry A. Jones	14B
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles L. Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael John Ryan	12C
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	13C
Judge Joseph J. Zone	14D

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 96

WEDNESDAY, AUGUST 19, 2009

No. 4993

CITY COUNCIL

MONDAY, AUGUST 17, 2009

The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties and Recreation Committee:** Johnson, Chair; Wilkes, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Pruitt.

9:30 A.M. — **Health and Human Services Committee:** Cleveland, Chair; Kelley, Vice Chair; Cimperman, Conwell, Mitchell, Reed, Santiago.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Pruitt, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, Wilkes.

11:00 A.M. — **Legislation Committee:** Dow, Chair; Keane, Vice Chair; Cleveland, Cloud, Johnson, Reed, Wilkes.

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

10:00 A.M. — **Aviation and Transportation Committee:** Kelley, Chair; Keane, Vice Chair; Cleveland, Cloud, Dow, Mitchell, Westbrook.

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

WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cummins, Keane, Kelley, Polensek, Santiago, Westbrook, Wilkes.

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

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

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

Personnel and Operations Committee: Westbrook, Chair; Cloud, Kelley, Mitchell, Santiago, Sweeney, Wilkes.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

NO MEETING

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form

prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 31, 2009

9:30 A.M.

Calendar No. 09-157: 8322 Woodland Avenue (Ward 5)

Saeid Amini, owner, appeals to establish use as an automobile dismantling yard on a 229.78' x 258.52' parcel composed of consolidated lots located in split zoning between General and Semi-Industry Districts; subject to the limitations of Section 345.03 the use is not permitted and the maximum width of a driveway shall not exceed 30 feet as stated in Section 349.07(c)(3) of the Cleveland Codified Ordinances.

Calendar No. 09-159: 16212 Invermere Avenue (Ward 1)

Amy Hurd, owner, appeals to establish a Type A day care in a single family dwelling located on a 40' x 140' parcel in an A1 Single-Family District; contrary to the Residential District Regulations, where a day care and its uses are required to be 30 feet from any adjoining premises in a Residence District not used for a similar purpose, and the proposed Type A day care is surrounded by an A1 Single Family District and requires the Board of Zoning Appeals approval, as stated in Section 337.02(f)(3)(C) of the Cleveland Codified Ordinances.

Calendar No. 09-161: 4716 West 158th Street (Ward 20)

William Dallapiazza, owner, appeals to erect a 40' x 36' x 26' high wood frame accessory garage on a 76.13' x 144.68' parcel in an A1 One-Family District; the proposed overall height of 26 feet is contrary to Section 353.05 and a maximum height of 15 feet; and square footage of 1,440 square feet is proposed for the accessory building contrary to 1,162 square feet that is allowed according to Section 337.23A in the Cleveland Codified Ordinances.

Calendar No. 09-162: 838 Eddy Road (Ward 9)

SIP One, LLC and Najeh Salti, by their attorney, Nate Malek, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from a Notice of Violation issued by the Cleveland Building and Housing Department on June 29, 2009 for failure to comply with the zoning requirements in Sections 327.02(c), 347.08(a) and 349.07 of the Cleveland Codified Ordinances.

Calendar No. 09-163: 17426-76 Harvard Avenue (Ward 1)

B&E Properties and Robert Hunt, owner, appeal to add a roof over an outdoor patio of an existing, non-conforming tavern/restaurant on a 45.84' x 150' corner parcel in a Local Retail Business District; 11 parking spaces are provided and an establishment of 1,600 square feet requires parking at the rate of one space per 100 square feet, plus one for each employee according to Section 349.04; an existing driveway is 140 feet wide, exceeds the maximum width of 30 feet allowed under Section 349.07(3) and requires driving over the sidewalk, backing into traffic and does not minimize traffic congestion. No landscaping is provided contrary to Sections 352.08-352.11, where an 8 foot wide landscaped strip with a 75 percent year-round opacity is required along the rear property line that abuts a residential district and a 6 foot width of landscaping is required where the parking abuts the street; and subject to the provisions in Section 349.03, the addition of an approximate 400 square feet of covered patio space requires an additional 4 parking spaces; and the nonconforming use is subject to the Board of Zoning Appeals approval as stated in Section 359.01 of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 17, 2009

At the meeting of the Board of Zoning Appeals on Monday, August 17, 2009, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 09-144: 6104 West Clinton Avenue

Ian Rosby appealed to erect a three family dwelling on a 31' x 43.3' parcel in a Two-Family District.

Calendar No. 09-151: 14916 Kinsman Road

Riley Dawson, owner, and Cleo McCoy, lessee, appealed to use a 45' x 140' parcel for outdoor sales in a Local Retail Business District; subject to conditions.

Calendar No. 09-152: 14918 Kinsman Road

Riley Dawson, owner, and Cleo McCoy, lessee, appealed to use a 45' x 140' parcel for outdoor sales in a Local Retail Business District; subject to conditions.

Calendar No. 09-138: 3896-98 East 74th Street

Joan Walker, owner, appealed to erect an above ground swimming pool on a 49.5' x 145' parcel in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 09-147: 4455 Pearl Road

Matthew Fuchs appealed to change use from a dwelling unit to retail sales (farmers' market) and to use the front yard for display and sale of produce in a Local Retail Business District.

The following appeal was **Withdrawn:**

Calendar No. 09-143: 11903 Hirst Avenue

Edwin Ocasio appealed to install a 4 foot tall fence in a One Family District.

The following appeals were **Postponed:**

Calendar No. 09-29: 9525 Woodland Avenue postponed to October 12, 2009.

Calendar No. 09-111: 10409 Meech Avenue (PPN 136 10 040) postponed to October 19, 2009.

Calendar No. 09-112: 10409 Meech Avenue (PPN 136 10 041) postponed to October 19, 2009.

Calendar No. 09-113: 10409 Meech Avenue (PPN 136 10 042) postponed to October 19, 2009.

Calendar No. 09-148: 5604 Franklin Boulevard postponed to September 8, 2009.

Calendar No. 09-149: 14201 Harvard Avenue postponed to October 5, 2009.

The following appeals heard by the Board on August 10, 2009 were adopted and approved on August 17, 2009.

The following appeals were **Approved:**

Calendar No. 09-139: 4615 Brooklyn Avenue
Tim McNamara appealed to install a 6 foot tall wood privacy fence

along the interior side yard in a Two Family District.

Calendar No. 09-145: 5300 Lakeside Avenue

Concord Commerce One LLC, owner, and Interstate McBee, lessee, appealed to expand a parking lot in a General Industry District.

Calendar No. 09-100: 2330 Broadview Road

Fred Manson appealed to establish an outdoor sales/flea market in a parking lot in a Local Retail Business District; subject to conditions.

Calendar No. 09-116: 5902 Storer Avenue

MSM Family Investment appealed to change use of an existing building from one to a two family dwelling in a General Retail Business District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 09-137: 3048 St. Clair Avenue

Guo Zhang-Tang and Fang Liang appealed to expand from use as a restaurant to a club with live entertainment and dancing in a one-story building in a Semi-Industry District.

The following appeal heard by the Board on May 11, 2009 was adopted and approved on August 17, 2009.

The following appeal was **Approved:**

Calendar No. 09-65: 1100 East 174th Street

Dawn Young appealed to place an L-shaped wheelchair ramp at the front of a single family dwelling in a Two-Family District; subject to condition.

The following appeal heard by the Board on July 13, 2009 was adopted and approved on August 17, 2009.

The following appeal was **Approved:**

Calendar No. 09-98: 4960 Old Grayton Road

City of Cleveland Department of Port Control appealed to expand a parking lot in a General Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, SEPTEMBER 2, 2009

File No. 152-09 — Earle B. Turner Recreation Center Parking Lot Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 690-07, passed by the Council of the City of Cleveland, June 11, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, AUGUST 27, 2009 AT 10:00 A.M., THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.**

August 19, 2009 and August 26, 2009

THURSDAY, SEPTEMBER 10, 2009

File No. 155-09 — Vitrified Clay and PVC Pipe, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section No. 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, FRIDAY, AUGUST 28, 2009 AT 11:00 A.M., THE WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.**

August 19, 2009 and August 26, 2009

WEDNESDAY, SEPTEMBER 16, 2009

File No. 153-09 — Purchase of Outdoor Electronic Display System (Re-Bid), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1655-08, passed by the Council of the City of Cleveland, December 8, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, AUGUST 28, 2009 AT 2:30 P.M., THE CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKE-SIDE AVENUE, CLEVELAND, OHIO, 44114.**

August 19, 2009 and August 26, 2009

FRIDAY, SEPTEMBER 25, 2009

File No. 154-09 — Snow Removal Services (Re-Bid), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1926-07, passed by the Council of the City of Cleveland, December 10, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 4, 2009 AT 2:30 P.M., THE CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO, 44114.**

August 19, 2009 and August 26, 2009

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 862-09.

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

An emergency resolution declaring the intent to vacate a portion of East 23rd Street, East 25th Street, East 25th Place and Payne Court N.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 23rd Street, East 25th Street, East 25th Place and Payne Court N.E., as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and part of original 10 acre lots 79 thru 84;

East 23rd Street

All that portion of East 23rd Street (60 feet wide) extending southerly from the south right of way line of Payne Avenue N.E. (80 feet wide) to the north right of way line of Chester Avenue N.E. (86 feet wide).

East 25th Street

All that portion of East 25th Street (60 feet wide) extending southerly from the south right of way line of Payne Avenue N.E. (80 feet wide) to its terminus with the vacated portion of East 25th Street (60 feet wide) as shown in volume 247 page 41 of Cuyahoga County Records.

East 25th Place

All that remaining portion of East 25th Place (14 feet wide) extending southerly from the southerly portion of East 25th Place (14 feet wide) as vacated in City of Cleveland Ordinance 862-06, Passed June 12, 2006 to its terminus with the vacated portion of East 25th Place (14 feet wide) as shown in volume 247 page 41 of Cuyahoga County Records.

Payne Court N.E.

All that remaining portion of Payne Court N.E. (14 feet wide) extending easterly from the west right of way line of East 21st Street (66 feet wide) to the west limited access line of the InnerBelt Freeway.

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

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1074-09.

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

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving East 151st Street, Melville Road, West 61st Street, West 64th Street, and West 90th Streets, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 87-09, adopted March 9, 2009, this Coun-

cil declared the necessity of improving East 151st Street from Glendale Avenue to Bartlett Avenue, Melville Road from St. Clair Avenue to Nottingham Road, West 61st Street from Detroit Avenue to Herman Avenue, West 64th Street from Detroit Avenue to Herman Avenue, and West 90th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-ways or otherwise improving the right-of-ways; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution, as amended, and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments may be filed by one or more property owners; 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 David J. Tarditi, John Moss, and Brian L. Bruzda, three disinterested freeholders of the City, are appointed as an assessment equalization board, and Carol A. Boddy, a disinterested freeholder, is appointed an alternate member, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 87-09, adopted March 9, 2009, of this Council.

Section 2. That the assessment equalization board shall meet at 9:00 a.m. on Tuesday, August 18, 2009, at Cleveland City Hall, 601 Lakeside Avenue, Room 518, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1086-09.
By Council Member Brady.
An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 13525 Lakewood Heights Boulevard.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 0698843 owned by Big Bob's, Inc., DBA Billy C's, 13525 Lakewood Heights Boulevard, Cleveland, Ohio 44107 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1087-09.
By Council Member Brady.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 10202 Lorain Avenue, and repealing Resolution No. 929-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Convenience Management Services, Inc., DBA BP #3620, Mart #4431, 10202 Lorain Avenue, Cleveland, Ohio 44111, Permanent No. 17090950210, by Resolution No. 929-09 adopted by the Council on July 1, 2009; 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 C1 and C2 Liquor Permit to Convenience Management Services, Inc., DBA BP #3620, Mart #4431, 10202 Lorain Avenue, Cleveland, Ohio 44111, Permanent No. 17090950210, be and the same is hereby withdrawn and Resolution No. 929-09, 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 August 5, 2009.
Effective August 13, 2009.

Res. No. 1088-09.
By Council Member Brady.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 3065 West 117th Street, and repealing Resolution No. 930-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Convenience Management Services, Inc., DBA BP #3619, 3065 West 117th Street, Cleveland, Ohio 44119, Permanent No. 17090950400, by Resolution No. 930-09 adopted by the Council on July 1, 2009; 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 C1 Liquor Permit to Convenience Management Services, Inc., DBA BP #3619, 3065 West 117th Street, Cleveland, Ohio 44119, Permanent No. 17090950400, be and the same is hereby withdrawn and Resolution No. 930-09, 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 August 5, 2009.

Effective August 13, 2009.

Res. No. 1089-09.
By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 2325 Elm Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 5870816 owned by Metropolis Night Club, Inc., 2325 Elm Street, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1090-09.
By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3146 West 14th Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 7462760 owned by Rodeo Bar & Grill, Inc., DBA Rodeo Bar & Grill, 3146 West 14th Street, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1091-09.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 2132 West 25th Street, 1st floor.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9956778 owned by ZMDS Entertainment, Inc., DBA Envy Lounge, 2132 West 25th Street, 1st floor, Cleveland, Ohio 44113 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1092-09.
By Council Member Cleveland.
An emergency resolution object-
ing to a New C1 Liquor Permit at
5474 Broadway Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Nancy Cotton, DBA Mr. Lucky's, 5474 Broadway Avenue, Cleveland, Ohio 44127, Permanent Number 1769654; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Nancy Cotton, DBA Mr. Lucky's, 5474 Broadway Avenue, Cleveland, Ohio 44127, Permanent Number 1769654; 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 August 5, 2009.
 Effective August 13, 2009.

Res. No. 1093-09.
By Council Member Cummins.
An emergency resolution with-
drawing objection to the transfer of
ownership of C1 and C2 Liquor Per-
mit at 2145 Broadview Road and
repealing Resolution No. 793-09, ob-
jecting to said transfer

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Kathy Miles, DBA Michael's Deli & Beverage, 2145 Broadview Road, Cleveland, Ohio 44109, Permanent No. 3486305, by Resolution No. 793-09 adopted by the Council on June 1, 2009; 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 C1 and C2 Liquor Permit to Kathy Miles, DBA Michael's Deli & Beverage, 2145 Broadview Road, Cleveland, Ohio 44109, Permanent No. 3486305, be and the same is hereby withdrawn and Resolution No. 793-09, 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 August 5, 2009.
 Effective August 13, 2009.

Res. No. 1094-09.
By Council Member Dow.
An emergency resolution object-
ing to the renewal of a D1, D2, D3,
D3A and D6 Liquor Permit at 7017-
19 Superior Avenue, 1st and 2nd
floors.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or

local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 7421261 owned by Robert Burton Enterprises, Inc., 7017-19 Superior Avenue, 1st and 2nd floors, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
 Effective August 13, 2009.

Res. No. 1095-09.
By Council Member Kelley.
An emergency resolution object-
ing to the renewal of a D1, D2, D3,
D3A and D6 Liquor Permit at 4450-
52 Broadview Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation

of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 9116320 owned by 2109 Tate, Inc., DBA Rebound, 4450-52 Broadview Road, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1096-09.
By Council Member Kelley.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no

later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 3571080 owned by Hani-ni 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1097-09.
By Council Member Kelley.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 5741 Memphis Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from A & A Convenient Food Mart, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0003182 to Jaig-urudev, Inc., 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 4219893; 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 of-

ficers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from A & A Convenient Food Mart, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0003182 to Jaig-urudev, Inc., 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 4219893; 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 August 5, 2009.

Effective August 13, 2009.

Res. No. 1098-09.
By Council Member Kelley.
An emergency resolution objecting to a New C1 Liquor Permit at 4380 State Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Sophia Tirado, DBA Lucky's, 10330 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 8945413; and

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

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard

of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at State Road Food & Beverage, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8517121 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 August 5, 2009.

Effective August 13, 2009.

Res. No. 1099-09.

By Council Member Kelley.

An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 4693 State Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No. 6381965 owned by Nicetime, Inc., DBA Dirty Dog, 4693 State Road, 1st floor and basement, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1100-09.

By Council Member Kelley.

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

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a

manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 8440222 owned by Sports Inn, LLC, DBA Home Plate Tavern, 4716 State Road, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1101-09.

By Council Member Miller.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 625 East 140th Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 6081178 owned by Moe's Stop One, Inc., 625 East 140th Street, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

**Res. No. 1102-09.
By Council Member Brady.
An emergency resolution objecting to a New C1 Liquor Permit at 4281 West 130th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03234, 4281 West 130th Street, Cleveland, Ohio 44135, Permanent Number 935794103234; 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 of-

ficers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03234, 4281 West 130th Street, Cleveland, Ohio 44135, Permanent Number 935794103234, 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 August 5, 2009.

Effective August 13, 2009.

**Res. No. 1103-09.
By Council Member Miller.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 552 East 152nd Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from BP Products North America, Inc., DBA Site #04358, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 08984674358 to Convenience Management Services, Inc., DBA BP 3618, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 17090950405; 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 oper-

ated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from BP Products North America, Inc., DBA Site #04358, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 08984674358 to Convenience Management Services, Inc., DBA BP 3618, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 17090950405, 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 August 5, 2009.

Effective August 13, 2009.

**Res. No. 1104-09.
By Council Member Mitchell.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 2623 Woodhill Road, 1st floor.**

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 2118468 owned by DIA Foods, Inc., DBA Hill Top Deli, 2623 Woodhill Road, 1st floor, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1105-09.

By Council Member Wilkes.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3831 East 93rd Street.

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

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon

legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2233517 owned by Shire-an Doleh, DBA Best Buy Food Mart, 3831 East 93rd Street, Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1106-09.

By Council Member Wilkes.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 11334 Miles Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Ahmed Mini Market, Inc., DBA Ahmed Mini Market, 11334 Miles Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0079613 to Miles Mini Mart, Inc., 11334 Miles Avenue,

Cleveland, Ohio 44105, Permanent Number 5951324; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Ahmed Mini Market, Inc., DBA Ahmed Mini Market, 11334 Miles Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0079613 to Miles Mini Mart, Inc., 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 5951324; 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 August 5, 2009.

Effective August 13, 2009.

Res. No. 1107-09.

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

An emergency resolution urging the Greater Cleveland Regional Transit Authority to reconsider eliminating Community Circulators and to meet with City Council and other community leaders in order to determine ways to save money without negatively impacting Community Circulator riders and neighborhood routes.

Whereas, last week, the Greater Cleveland Regional Transit Authority ("RTA") decided to eliminate all 12 of its Community Circulator bus routes and raise most fares 25cents to save approximately \$5 million dollars; and

Whereas, Community Circulators are an extremely popular mode of transportation for hundreds of people in Cleveland and the surrounding areas; and

Whereas, thousands of people in our community depend on Community Circulator buses to get to work, the grocery store, school, doctor's appointments and shopping because they do not drive; and

Whereas, Community Circulators are a life-line to many seniors who would otherwise be stranded in their own homes without transportation; and

Whereas, most RTA riders would say they would rather pay increased fares than see the Community Circulator routes be eliminated; 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 urges the Greater Cleveland Regional Transit Authority to reconsider eliminating Community Circulators and to meet with City Council and other community leaders in order to determine other ways to save money without negatively impacting community circulator riders and neighborhood routes.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Joe Calabrese, RTA General Manager, all members of the RTA Board of Directors.

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 August 5, 2009.
Effective August 13, 2009.

Res. No. 1108-09.

By Council Member Polensek.

An emergency resolution urging the United States Postmaster General to keep open the Beachland Station post office located at 891 East 185th Street in Cleveland.

Whereas, the U.S. Postal Service has recently announced they plan to close possibly 24 area post offices in northern Ohio by October 1, 2009; and

Whereas, one post office they could close is the Beachland Station, located at 891 East 185th Street, in Cleveland; and

Whereas, the cities of Cleveland and Euclid have worked extremely hard over the years to improve the East 185th Street corridor and keep it a thriving, community-oriented business neighborhood; and

Whereas, if the Beachland Station post office were to close, this would devastate the East 185th Street commercial corridor and the adjacent residential communities in Cleveland's Ward 11 and the City of Euclid; 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 urges the United States Postmaster General to keep open the Beachland Station post office located at 891 East 185th Street in Cleveland.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the Postmaster General of the United States.

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 August 5, 2009.
Effective August 13, 2009.

Res. No. 1109-09.

By Council Member Cleveland.

An emergency resolution supporting Western Reserve Land Conservancy's application to the Clean Ohio Conservation Fund for the Dunham Tavern Museum Expansion and Preservation Project.

Whereas, the Dunham Tavern Museum (the "Museum") and its partner Western Reserve Land Conservancy seek to pursue the Dunham Tavern Museum Expansion and Preservation Project (the "Project"); and

Whereas, as part of the Project the Museum desires to expand its current land holdings by purchasing the vacant 6611 Euclid building adjacent to the Museum's property; and

Whereas, this acquisition would result in the beneficial re-use of a vacant property located along the Euclid Corridor, where the City of Cleveland has made significant investment to encourage sustainable economic redevelopment; and

Whereas, the 2005 MidTown Master Plan identifies the Museum site as the MidTown neighborhood's

"central green," providing a major amenity and sense of identity within the neighborhood; and

Whereas, the Museum property currently provides much needed publicly accessible open space, passive recreation, and educational opportunities through its Heritage Trail and Learning Gardens; and

Whereas, the Project would increase the Museum's open space, passive recreation and educational offerings; and

Whereas, the City of Cleveland seeks to coordinate with nonprofits such as the Museum to increase the availability of high-quality recreation opportunities and facilities that meet the needs of Clevelanders of all ages, ability levels, incomes and interests; and

Whereas, as part of the Project, the Museum intends to preserve the Dunham Tavern building and its grounds in perpetuity through a conservation easement to be held by Western Reserve Land Conservancy; and

Whereas, the Dunham Tavern building is a Cleveland Landmark and has the distinction of being the oldest building in Cleveland still standing on its original foundation; and

Whereas, the City of Cleveland seeks to foster preservation of historically and architecturally significant buildings and properties within the City; and

Whereas, one of the City of Cleveland's policies set forth in its 2020 Citywide Plan is to ensure that land is used in a manner that preserves and expands valuable open space, protects natural habitats, retains and replaces trees, prevents environmental contamination, and protects sensitive lands; and

Whereas, the Museum's partner, Western Reserve Land Conservancy, is seeking funding for the Project through the Clean Ohio Conservation Fund administered by the Ohio Public Works Commission; 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 Western Reserve Land Conservancy's application to the Clean Ohio Conservation Fund for the Dunham Tavern Museum Expansion and Preservation Project.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the appropriate party at MidTown Cleveland, Inc.

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 August 5, 2009.
Effective August 13, 2009.

Res. No. 1120-09.
By Council Member Brancatelli.
An emergency resolution object-
ing to a New C1 Liquor Permit at
6410 Broadway Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03226, 6410 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 935794103226; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03226, 6410 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 935794103226, 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 August 5, 2009.
 Effective August 13, 2009.

Res. No. 1121-09.
By Council Member Brancatelli.
An emergency resolution object-
ing to the renewal of a D5 Liquor
Permit at 3614 East 65th Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 8912747 owned by 3614 East 65th, Inc., DBA M JS Café, 3614 East 65th Street, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
 Effective August 13, 2009.

Res. No. 1122-09.
By Council Member Brancatelli.
An emergency resolution object-
ing to the renewal of a D1, D2, D3
and D3A Liquor Permit at 4233-35
East 71st Street, 1st floor and base-
ment.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 6958079 owned by Platinum Joes Corp., DBA Malibu Joes, 4233-35 East 71st Street, 1st floor and basement, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
 Effective August 13, 2009.

Res. No. 1123-09.
By Council Member Brancatelli.
An emergency resolution object-
ing to the renewal of a D1, D2, D3,
D3A and D6 Liquor Permit at 6101
Fleet Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 8200732 owned by 6101 Fleet Avenue, Inc., DBA U & Me, 6101 Fleet Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1124-09.
By Council Member Brancatelli.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 4324 Warner Road.

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

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renew-

al of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 0345174 owned by Yousef Abdel Aziz, DBA Tom's Food Market, 4324 Warner Road, 1st floor, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1125-09.
By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1204 Old River Road, mezzanine and patios.

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

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

of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 4462671 and supplemental permits, owned by Kaos in the Flats, Inc., DBA Scripts, 1204 Old River Road, mezzanine and patios, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1126-09.
By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit at 618 Prospect Avenue, 2nd floor only.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit, Permit No. 9271908 owned by View Cleveland, LLC, DBA The View, 618 Prospect Avenue, Cleveland, Ohio 44115, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1127-09.

By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1382 West 9th Street, Suite 100 and patio, 1st floor

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

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

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

mit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 4949255 owned by LaBodega Cleveland OH, LLC, DBA Sunset Lounge, 1382 West 9th Street, Suite 100 and patio, 1st floor, 1382 West 9th Street, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 6548374 owned by 1616 Arabic Restaurant, Inc., DBA Kan Zaman, 1616 West 25th Street, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1129-09.

By Council Member Cleveland.
An emergency resolution objecting to the renewal of a C1 Liquor Permit at 7002 Cedar Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on

other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 1351124 owned by Cedar 70 Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1130-09.
By Council Member Cleveland.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3337 Central Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 4034257 owned by Pamela Hubbard, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1131-09.
By Council Member Cleveland.
An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperi-

ty, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9862110 owned by Your Place and Mine, LLC, DBA Your Place and Mine, 5351-5353 Dolloff Road, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1132-09.
By Council Member Mitchell.
An emergency resolution objecting to the renewal of a D1, D2 and D6 Liquor Permit at 1931 Colman Road, 1st floor.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Re-

vised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2 and D6 Liquor Permit, Permit No. 8407828 owned by Carolyn Sparent, DBA Lou's Tavern, 1931 Coltman Road, 1st floor, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1133-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 3363 East 93rd Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to

the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 68577350005 owned by Pete Barrels, Inc., DBA Sunoco Family Food Express, 3363 East 93rd Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1134-09.

By Council Member Johnson.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 8805 Buckeye Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 1072870 owned by Buckeye One Stop, Inc., DBA Buckeye Marathon, 8805 Buckeye Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1135-09.

By Council Member Johnson.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 10008 Buckeye Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 72245520007 owned by Ray Por, Inc., DBA Eastwood Inn, 10008 Buckeye

Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1136-09.
By Council Member Johnson.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 11132 Buckeye Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 6877045 owned by Phase III Corporation, DBA Phase III, 11132 Buckeye Road, Box 20370, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with pro-

visions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1137-09.
By Council Member Johnson.
An emergency resolution objecting to the renewal of a C1, C2 and D6 Liquor Permit at 3230 East 93rd Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1, C2 and D6 Liquor Permit, Permit No. 7974550 owned by Semaan Marketing, Inc., 3230 East 93rd Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this

resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1138-09.
By Council Member Johnson.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3019 East 116th Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1896113 owned by Albert Dailey, DBA Dailey's, 3019 East 116th Street, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

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

the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1139-09.
By Council Member Johnson.
An emergency resolution objecting to the renewal of a D2 and D2X Liquor Permit at 9203 Kinsman Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2 and D2X Liquor Permit, Permit No. 6591675 owned by Ossie, Inc., DBA Kinsman Shell, 9203 Kinsman Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1140-09.
By Council Member Polensek.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 383 East 156th Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 2175712 owned by John Dimmian, 383 East 156th Street, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1141-09.
By Council Member Polensek.
An emergency resolution objecting to a New C1 Liquor Permit at 15609 Lakeshore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Walgreen Co., DBA Walgreen's #03307, 15609 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 935794103307; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreen's #03307, 15609 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 935794103307, 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 August 5, 2009.

Effective August 13, 2009.

Res. No. 1142-09.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16826 Lakeshore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from 16826 Lakeshore Boulevard, Inc., 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 7551142 to Lakeshore Cocktails, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600; 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 Liquor Permit from 16826 Lakeshore Boulevard, Inc., 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Perma-

nent Number 7551142 to Lakeshore Cocktails, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600; 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 August 5, 2009.

Effective August 13, 2009.

Res. No. 1143-09.

By Council Member Polensek.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 18506 St. Clair Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 1879570005 owned by D B Ohio Enterprise, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this

resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1144-09.

By Council Member Reed.

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

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No. 9819313 owned by Yar Rum, Inc., DBA Murray's, 4005-07 East 131st Street, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

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

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

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1145-09.

By Council Member Reed.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3744 East 144th Street, 1st floor only.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 0300177 owned by Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the

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

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1146-09.

By Council Member Reed.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 14300 Kinsman Road, 1st floor and basement.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 0505406 owned by Robert Dale Batch, DBA Your Snack Shack, 14300 Kinsman Road, 1st floor and basement, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1147-09.

By Council Member Reed.

An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 10300 Union Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 6549357 owned by 10300 Union, Inc., DBA LaRobbs Nightclub, 10300 Union Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1148-09.
By Council Member Reed.
An emergency resolution objecting to the renewal of a C1, C2 and D6 Liquor Permit at 12408 Union Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1, C2 and D6 Liquor Permit, Permit No. 6371287 owned by New Coast, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1149-09.
By Council Member Santiago.
An emergency resolution objecting to the renewal of a C1 Liquor Permit at 3226 Clark Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 6527435 owned by OLA 3226 Inc., 3226 Clark Avenue, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1150-09.
By Council Member Santiago.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3382 West 44th Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1639762 owned by Heriberto Colon, DBA El Tropical, 3382 West 44th Street, 1st floor rear and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1151-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 12401 Corlett Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 7748288 owned by SAS Enterprises of Ohio, LLC, DBA Corlett Mini Stop, 12401 Corlett Avenue, 1st floor, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1152-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 9305 Miles Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 6416088 owned by Ninety-Three Miles, Inc., DBA Convenience Plus Food Mart, 9305 Miles Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1153-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2, C2X and D6 Liquor Permit at 11609 Miles Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2, C2X and D6 Liquor Permit, Permit No. 3479133 owned by Habibi, Inc., DBA Frank's Marathon, 11609 Miles Avenue, Cleveland, Ohio 44195, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1154-09.
By Council Member Sweeney.
An emergency resolution objecting to a New C2 Liquor Permit at 13712 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Free Phone For You, Inc., 13712 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 2911406; and

Whereas, the granting of this application for a liquor permit to this

high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Free Phone For You, Inc., 13712 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 2911406; 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 August 5, 2009.

Effective August 13, 2009.

Res. No. 1161-09.

By Council Member Mitchell.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 2603 Woodhill Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 4118409 owned by I bald, Inc., DBA American Food Mart, 2603 Woodhill Avenue, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1163-09.

By Council Member Reed.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 12802 Kinsman Road, 1st floor and basement.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 3019386-0005 owned by Beverly C. Galloway, 12802 Kinsman Road, 1st floor and basement, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1165-09.

By Council Member Miller.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue.

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

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal

corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 4307201 owned by Johnny & Co. Bar & Grill, LLC, DBA Johnny & Co. Bar and Grill, 18029 Euclid Avenue, Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1166-09.

By Council Member Miller.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 12515-19 St. Clair Avenue.

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

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal

grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 7514486 owned by Roscoe, Inc., DBA Honey Do Club, 12515-19 St. Clair Avenue, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1167-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C2, C2X and D6 Liquor Permit at 2747 Cedar Avenue, 1st floor and basement.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2, C2X and D6 Liquor Permit, Permit No. 71337770005 owned by Quasem, Inc., 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1168-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 4643 Broadway Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disre-

gard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 76857450005 owned by Salina, Inc., DBA Broadway Deli, 4643 Broadway Avenue, 1st floor, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1169-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3135 East 79th Street.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure pro-

viding for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 3043671 owned by Garden Valley Shop Express, Inc., 3135 East 79th Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1170-09.

By Council Member Cummins.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3314 Broadview Road, 1st floor and basement.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor per-

mits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 6483695 owned by N Yuk Yuks Bar & Grill, Inc., DBA N Yuk N Yuks, 3314 Broadview Road, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.

Effective August 13, 2009.

Res. No. 1171-09.

By Council Member Conwell.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 11139-43 Superior Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 4316046 owned by Bobbie Johnson, DBA Frecks, 11139-43 Superior Avenue, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1172-09.
By Council Member Zone.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 8309 Madison Avenue, 1st and 2nd floors.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 0142976 owned by

Almont, Inc., DBA Sea Level, 8309 Madison Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1173-09.
By Council Member Keane.
An emergency resolution objecting to the renewal of a C1 Liquor Permit at 14910 Lorain Avenue.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 7057634 owned by Prakash, Inc., DBA JRS Mini Mart, 14910 Lorain Avenue, Cleveland, Ohio 44111, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions

of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

Adopted August 5, 2009.
Effective August 13, 2009.

Res. No. 1174-09.
By Council Member Cleveland.
An emergency resolution withdrawing objection to the transfer of ownership of C1 Liquor Permit at 7002 Cedar Avenue and repealing Resolution No. 460-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Cedar Crest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent No. 1350137, by Resolution No. 460-09 adopted by the Council on April 6, 2009; 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 C1 Liquor Permit to Cedar Crest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent No. 1350137, be and the same is hereby withdrawn and Resolution No. 460-09, 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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 667-09.

By Council Member Pruitt.

An ordinance to change the zoning of lands on the north side of Miles Avenue at Judson Drive and E. 146th Street from GR to LR (Map Change No. 2277, Sheet 10).

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

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

Beginning in the centerline of Miles Avenue at its intersection with the southerly prolongation of the easterly line of Sublot Number 456 in the Miles-Harvard Park Subdivision No. 4 shown on the recorded plat in Volume 68, Page 30 of Cuyahoga County Map Records, said parcel also being known as being part of Cuyahoga County Auditor's Permanent Parcel Number 142-08-001;

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

Thence northwesterly along said northeasterly line to its intersection with the northeasterly line of Sublot Number 455 in the aforementioned Miles-Harvard Park Subdivision No. 4;

Thence northwesterly along said northeasterly line to its intersection with the northeasterly line of Sublot Number 452 in the aforementioned Miles-Harvard Park Subdivision, said line also being known as the southwesterly line of Cuyahoga County Auditor's Permanent Parcel Number 142-08-003;

Thence northwesterly along said northwesterly line and along its northwesterly prolongation to its intersection with the centerline of Judson Drive;

Thence southwesterly along said centerline of Judson Drive to its intersection with the southerly prolongation of the centerline of East 147th Street;

Thence northerly along said southerly prolongation of said centerline of East 147th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 5 in the Miles-Harvard Park Subdivision Number 3 shown on the recorded plat in Volume 62, Page 37 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 142-04-033;

Thence westerly along said easterly prolongation of said southerly line to its intersection with the easterly line of Sublot Number 115 in the aforementioned Miles-Harvard Park Subdivision Number 3;

Thence southerly along said easterly line to its intersection with a line drawn approximately 15 feet southerly from and parallel to the southerly line of Sublot Number 112 in the aforementioned Miles-Park Subdivision Number 3, said parallel line also being known as the southerly line of Cuyahoga County Auditor's Permanent Parcel Number 142-04-078;

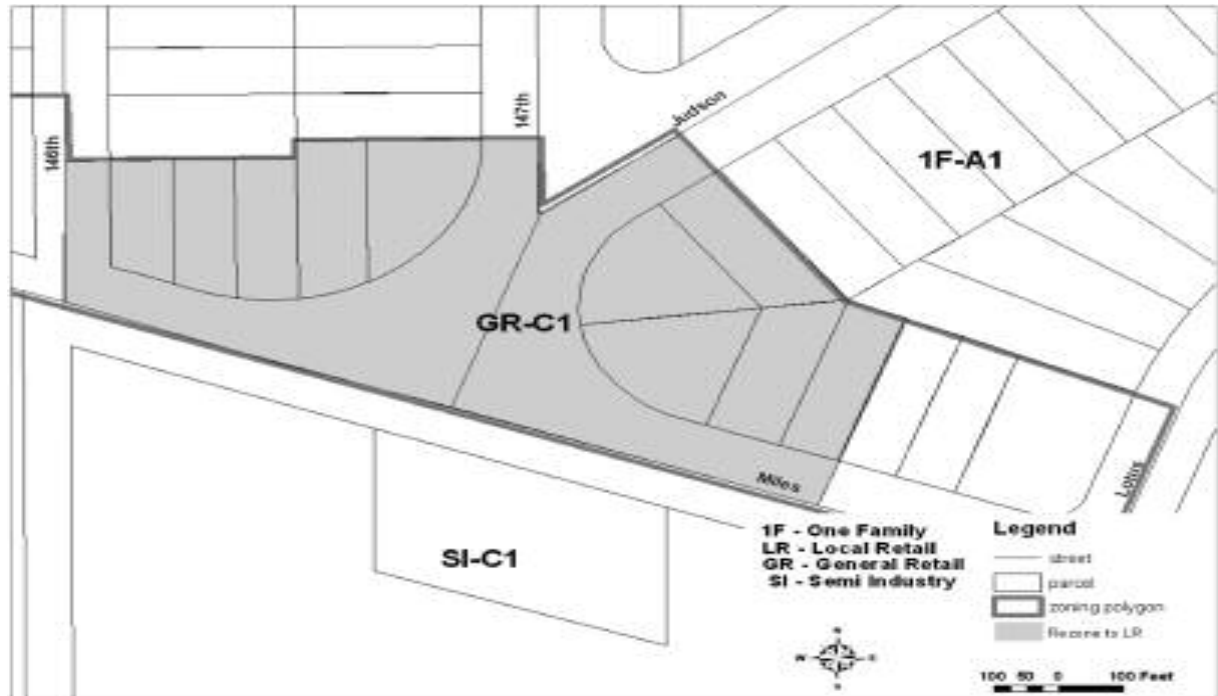
Thence westerly along said parallel line to its intersection with the centerline of East 146th Street;

Thence southerly along said centerline of East 146th Street and along its southerly prolongation to its intersection with the centerline of Miles Avenue;

Thence southeasterly along said centerline of Miles Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 456 in the Miles-Harvard Park Subdivision No. 4 shown on the recorded plat in Volume 68, Page 30 of Cuyahoga County Map Records, said parcel also being known as being part of Cuyahoga County Auditor's Permanent Parcel Number 142-08-001 and the principal place of beginning; and as shaded on the attached map is changed to a Local Retail Business District (LR) District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2277, Sheet No. 10 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed August 5, 2009.
Effective September 4, 2009.

Ord. No. 668-09.

By Council Member Pruitt.

An ordinance to change the zoning of lands on the east side of Lee Road south of Kollin Avenue from 1F-A1 to LR-C1 (Map Change No. 2278, Sheet 10).

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

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

Beginning in the centerline of Lee Road at its intersection with the centerline of Kollin Avenue;

Thence southerly along said centerline of Lee Road to its intersection with the westerly prolongation of the southerly line of Sublot Number 91 in the Lee Road McCracken Subdivision shown on the recorded plat in Volume 89, Page 22 of Cuyahoga County Map Records, said parcel also being known as being part of Cuyahoga County Auditor's Permanent Parcel Number 143-23-014;

Thence easterly along said westerly prolongation of said southerly line and along its easterly prolongation to its intersection with the centerline of East 66th Place 10 Feet Wide;

Thence northerly along said centerline of East 66th Place to its intersection with the easterly prolongation of the southerly line of Sublot Number 61 in the aforementioned Lee Road McCracken Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 143-23-013;

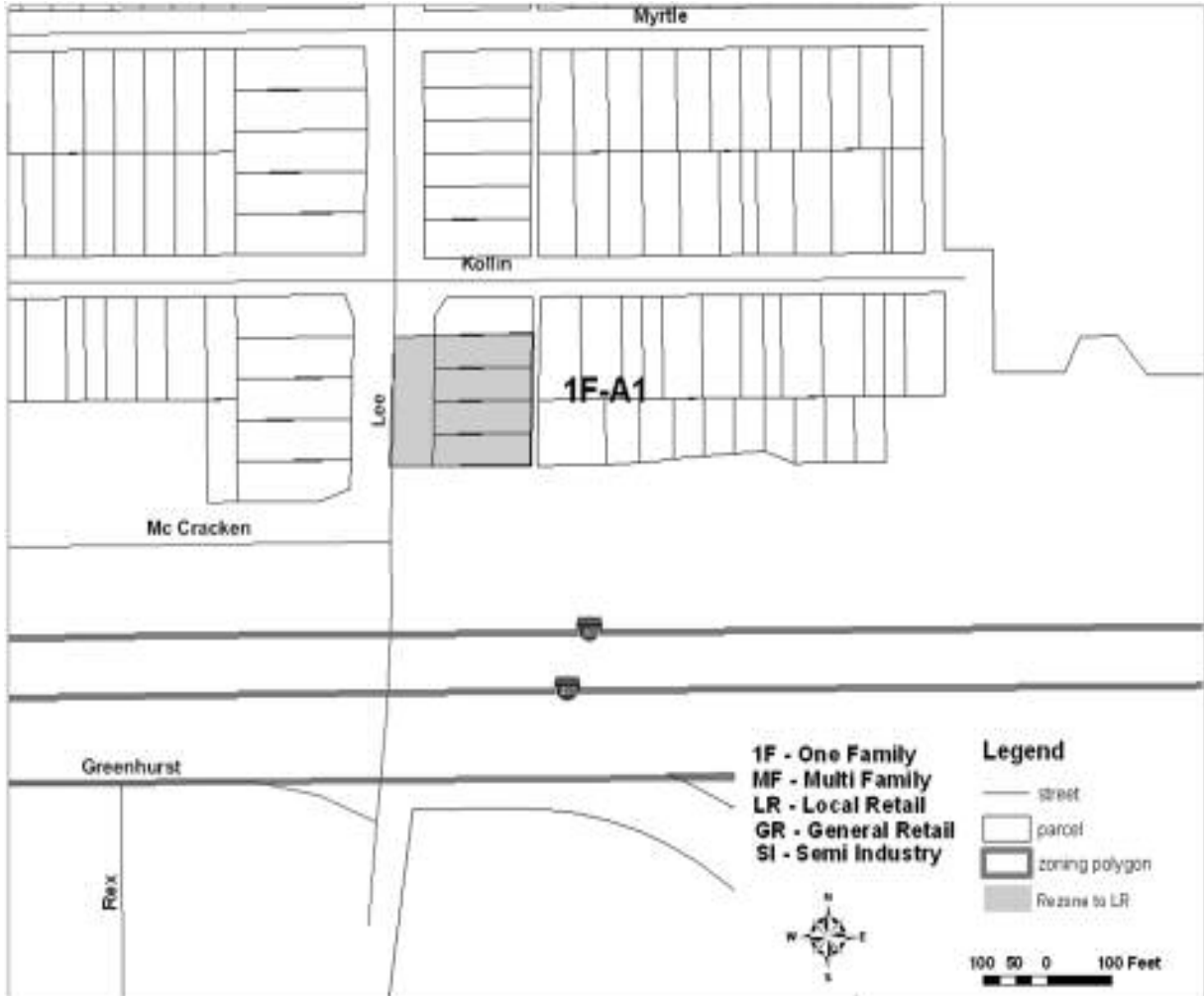
Thence westerly along said easterly prolongation and continuing along its westerly prolongation to its intersection with the centerline of Lee Road;

Thence northerly along said centerline of Lee Road to its intersection with the centerline of Kollin Avenue and the principal place of beginning;

and as shaded on the attached map is changed to a Local Retail Business District (LR) and a 'C' Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2278, Sheet No. 10 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed August 5, 2009.
Effective September 4, 2009.

Ord. No. 698-09.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Bradford Airport Logistics to operate a centralized receiving and distribution center for all concessions operating at Cleveland Hopkins International Airport, for the Department of Port Control, for a period of five years, with one option to renew for an additional five year period, 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 Bradford Airport Logistics ("Lessee") for use and occupancy of approximately 10,000 square feet of the warehouse building on Lot LE 37-A at Cleveland Hopkins International Airport, including the adjacent parking lot and other related amenities ("Leased Premises"). The Leased Premises shall be used as a centralized receiving and distribution facility for all concessionaires operating at Cleveland Hopkins International Airport. The term of the Lease shall be for five years, with one five year option to renew, exercisable through additional legislative authority. For use of the Leased Premises, Lessee shall pay the City an annual fee based on fair market rental, as determined by independent appraisal. The 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 may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 3. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the Lease authorized by this ordinance.

Section 4. That the Lease authorized by this ordinance shall be prepared by the Director of Law.

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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 753-09.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to prepare a comprehensive financial plan including a cost of service, and rate and fee analysis for the years 2011 through 2015, for the Divisions of Water and Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare a comprehensive financial plan including a cost of service, and rate and fee analysis for the years 2011 through 2015, for the Divisions of Water and Water Pollution Control, Department of Public Utilities.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. 189823.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 758-09.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Continental Airlines, Inc. for hangar space and aircraft maintenance and repair at Cleveland Hopkins International Airport, for the Department of Port Control, and to issue rent

credits to Continental Airlines, Inc. for the cost of determining fair market value by independent appraisal of the leased premises, for a period of twenty years, with one five year option to renew, 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 Continental Airlines, Inc. ("Lessee") for use and occupancy of approximately 26,280 square feet of hangar space at Cleveland Hopkins International Airport ("Leased Premises"), for a period of twenty years ("Initial Term"), with one five year option to renew, exercisable through additional legislative authority ("Option Term"), commencing upon execution of the Lease. The Leased Premises shall be used for hangar space and aircraft maintenance and repair.

Section 2. Lessee shall pay the City an annual fee, to be determined by an appraisal based on the fair market rental value of the Leased Premises and rental rates charged for comparable airport facilities for use of the Leased Premises during the first five years of the Initial Term. Lessee shall pay the cost of this appraisal. That the Director of Port Control is authorized to issue rent credits to Lessee for the purpose of reimbursing Lessee the cost of the appraisal to determine fair market value of the Leased Premises. The rent credit amount shall be equal to the cost of the appraisal and is subject to approval of the Director of Port Control. The Director of Port Control is authorized to execute any additional documents necessary and appropriate to issue the rent credits. Thereafter, every five years during the Initial Term of the Lease and at the inception of the Option Term, the annual rent shall be determined by an appraisal based on the then highest and best use of the Leased Premises and rental rates then charged for comparable airport facilities. In no event shall the rental rate be less than that charged during the first five years of the Initial Term. The Department of Port Control shall pay the cost of these appraisals. The rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

Section 3. That the Lease may authorize the Lessee to make improvements to the Leased Premises subject to the approval of appropriate City agencies and officials.

Section 4. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the Lease authorized by this ordinance.

Section 5. That the Lease authorized by this ordinance shall be prepared by the Director of Law.

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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 762-09.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the necessary items of materials, equipment, supplies, and services needed to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, including labor, for the various divisions of 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period, with two one-year options to renew, of the necessary items of materials, equipment, supplies, and services needed to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor the valves and other appurtenances associated with regulatory compliance, including labor, for the various divisions of the Department of Port Control, in the estimated sum of \$3,250,000 per year, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. 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. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the

specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 175246)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Port Control 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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 879-09.

By Council Members Keane, Brady, Sweeney, Cummins, Santiago, Mitchell, Zone, Cimperman, Cleveland, Polensek, Westbrook, Brancatelli, Wilkes, Conwell, Cloud, Kelley, Miller and Reed.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 171.391 relating to health care benefits for surviving spouse and dependents of employees killed in the line of duty.

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 the City of Cleveland are supplemented by enacting new Section 171.391 to read as follows:

Section 171.391 Health Care Benefits for Surviving Spouse and Dependents of Employees Killed in the Line of Duty.

(a) If a City employee is killed in the line of duty or dies as a direct and proximate result of the performance of the employee's official work-related duties, the surviving spouse, until such time as the employee would have been eligible to retire, and employee's dependents shall be entitled to health care benefits as available under the City's plan.

(b) This ordinance applies to the spouse and dependents of employees killed in the line of duty or who

died as a direct and proximate result of the performance of their official work-related duties on or after January 1, 1998.

(c) Eligible survivors who are entitled to the benefits must pay the same contribution to the premium as paid by the City employees.

Section 2. That Section 171.391 of the Codified Ordinances of Cleveland, Ohio, 1976, shall take effect as soon as legally permissible.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 900-09.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to, heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, including installation if necessary, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to 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 or two years of the necessary items of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, including installation if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the

Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities 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 Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 189968)

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 901-09.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, for the Division of Water, Department of Public Utilities, 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 Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year of the necessary items of hauling and disposal of water treatment plant residuals, 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 Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a sin-

gle contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 190001)

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 902-09.

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

An emergency ordinance authorizing the Director of Public Utilities to participate in the Doan Brook Watershed Partnership; and to cause payment for the City's cost to participate in and to implement the objectives of the Partnership.

Whereas, the Doan Brook Watershed Partnership (the "Partnership") was certified as a 501(c)(3) non-profit in December 2001; and

Whereas, the Partnership replaces the Joint Committee on the Doan Brook Watershed, which for over 30 years served as the focal point of watershed-wide communication and advocacy for the protection and enhancement of Doan Brook; and

Whereas, the vision of the Partnership is to have broad participation from the cities of Cleveland, Cleveland Heights, Shaker Heights, and various other stakeholder organizations and interested citizens to collaborate and share resources to develop and implement a watershed management plan to preserve and maintain Doan Brook; and

Whereas, the objectives of the Partnership are to secure and coordinate funding to sustain the organization and to further the stewardship of Doan Brook in order to accomplish lake treatment alterna-

tives and to develop management plans for the Lower, Upper (Horseshoe), Green, and Marshall lakes in the upper Doan Brook Watershed; to manage fertilizers, herbicides, and pesticides on lawns and landscaped areas throughout the watershed; to assist with assessment and compliance work for Phase II stormwater management regulations; to provide technical input and to build public involvement and support of the restoration project in Rockefeller Park; to track the Northeast Ohio Regional Sewer District's progress with designing and implementing a wastewater collection and treatment project; to initiate volunteer stream clean-up projects; to work with schools, youth groups and civic organizations on stream monitoring and improvement projects; to facilitate and to provide technical assistance on natural stream restoration and stormwater management projects; and to develop land use controls and site design standards to protect environmentally sensitive areas; and

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

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

Section 1. That the Director of Public Utilities is authorized to participate in the Doan Brook Watershed Partnership.

Section 2. That this Council authorizes payment to the Doan Brook Watershed Partnership for the City's costs to participate in and to implement the objectives of the Partnership, from Fund No. 54 SF 001, Request No. 180072.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 906-09.

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

An emergency ordinance determining the method of making the public improvement of constructing additional emergency generator power supply at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing additional emergency generator power supply at Cleveland Hopkins International Airport, (the "Improvement"), for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combina-

tion of the items as the Board of Control determines.

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

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

Section 7. That the cost of the contracts authorized shall be paid from Fund Nos. 60 SF 104, 60 SF 106, 60 SF 141, 60 SF 112, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 128, 60 SF 129, and 60 SF 130, Request No. 175247.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 907-09.

By Council Member Kelley.

An emergency ordinance designating Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on February 12, 2009 to discuss the proposed designation of Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a landmark; and

Whereas, the Commission has recommended designation of Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safe-

guard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall, whose street addresses in the City of Cleveland are 4411-4431 Pearl Road, S. W.; Cuyahoga County Auditor's Permanent Parcel Numbers are 011-02-001, 011-02-106, 011-02-107, and 011-02-108, also known as the following described property:

Beginning on the Southeasterly line of Pearl Road, S. W. (66 ft. wide), at the Southerly line of land conveyed to the Greater Cleveland Regional Transit Authority on September 9, 1975 by deed recorded in Volume 13869, Page 547 of Cuyahoga County records; thence Southeasterly along the Southerly line of said Greater Cleveland Regional Transit Authority land to the Westerly line of John Koch's Allotment as shown by the recorded plat in Volume 27, Page 27 of Cuyahoga County map records; thence Southerly along the Westerly line of said John Koch's Allotment to the Northerly line of the Pearl Street Realty Company Subdivision as shown by the recorded plat in Volume 46, Page 3 of Cuyahoga County map records; thence Westerly along the Northerly line of said Pearl Street Realty Company Subdivision and its Westerly prolongation to the Easterly line of land conveyed to Matther and Frances Fuchs by deed dated June 24, 1968 and recorded in Volume 12331, Page 899 of Cuyahoga County deed records; thence Northerly along the Easterly line of said land conveyed to Matther and Frances Fuchs to the Northeasterly corner thereof; thence Westerly along the Northerly line of land conveyed to Matther and Frances Fuchs as aforesaid to the Southeasterly line of Pearl Road as aforesaid; thence Northeasterly along the Southeasterly line of said Pearl Road to the place of beginning.

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

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 908-09.

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

An emergency ordinance authorizing the purchase by one or more contracts of one driving simulator and a modular classroom, including appurtenances and training, and not to exceed ten police cruisers with standard police vehicle equipment to implement the 2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland", for the Division of Police, Department of Public Safety.

Whereas, one of the economic benefits under the American Recovery and Reinvestment Act of 2009, also known as the Stimulus Bill, Pub.L. 111-5, H.R.1, S. 1 ("ARRA"), allowed Cities to receive funding for eligible improvements, projects, and programs; and

Whereas, under the authority of Ordinance No. 463-09, passed April 20, 2009, this Council authorized the Director of Finance or the Director responsible for the eligible improvements, projects, and programs to apply for and accept these ARRA funds from Federal, State, or other public entities; and

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one driving simulator and a modular classroom, including appurtenances and training, and not to exceed ten police cruisers with standard police vehicle equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis, to implement the 2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland" as described in File No. 908-09-A, for the Division of Police, Department of Public Safety.

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

Section 3. That the Director of Finance is authorized to pay a cash match in connection with receiving the 2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland" authorized under Ordinance No. 463-09, passed April 20, 2009 in the amount of \$590,554.15, payable from Fund No. 01-600201-507000.

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds which are credited to the grant proceeds received under Ordinance No. 463-09, passed April 20, 2009, and from 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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 909-09.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Roger Oviatt and Elsie Day to implement the 2009 Edward Byrne Memorial Competitive Grant; and to enter into one or more agreements with various agencies and entities to implement the grant.

Whereas, one of the economic benefits under the American Recovery and Reinvestment Act of 2009, also known as the Stimulus Bill, Pub.L. 111-5, H.R.1, S. 1 ("ARRA"), allowed Cities to receive funding for eligible improvements, projects, and programs; and

Whereas, under the authority of Ordinance No. 463-09, passed April 20, 2009, this Council authorized the Director of Finance or the Director responsible for the eligible improvements, projects, and programs to apply for and accept these ARRA funds from Federal, State, or other public entities; and

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with Roger Oviatt and Elsie Day for professional services necessary to implement the 2009 Edward Byrne Memorial Competitive Grant as described in File No. 909-09-A, for the Department of Public Safety.

Section 2. That the Director of Public Safety is authorized to enter into one or more contracts with the United States Attorney General, Ohio Attorney General, Ohio Department of Public Safety Office of Criminal Justice Services, Kent State University, the Cities of Akron, Canton, Elyria, Lorain, Mansfield, Toledo, and Youngstown, and other agencies and entities to implement the grant as described in the file.

Section 3. The contract or contracts shall be paid from the fund or funds which are credited to the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009.

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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 910-09.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with McKnight Associates Ltd. for professional services necessary to design revisions to the Zone Recreation Center Master Plan.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with McKnight Associates Ltd. for professional services necessary to design revisions to the Zone Recreation Center Master Plan on the basis of its proposal dated April 20, 2009, in the total sum of \$215,200, for the Department of Parks, Recreation and Properties. The contract or contracts shall be paid from Fund Nos. 20 SF 377, 20 SF 382, 20 SF 392, 20 SF 501, 20 SF 504, 20 SF 508, 20 SF 516, and 20 SF 523, Request No. 132973.

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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 917-09.

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 U.S. Department of Justice, Bureau of Justice Assistance for the 2009 Gang Resistance Education and Training 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 \$100,000, and any other funds that may become available during the grant term, from the U.S. Department of Justice, Bureau of Justice Assistance to conduct the 2009 Gang Resistance Education and Training ("GREAT") Program that the Director of Public Safety 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 contained in the file described below.

Section 2. That the application for the grant, File No. 917-09-A, made a

part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City to provide matching funds in the sum of \$11,111, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, are approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 918-09.

**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 Attorney General for the Special Ohio Drug Use Prevention 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 \$52,864.86, from the Ohio Attorney General to conduct the Special Ohio Drug Use Prevention Grant; that the Director of Public Safety 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 contained in the file described below.

Section 2. That the application for the grant, File No. 918-09-A, made a part of this ordinance as if fully rewritten, and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$52,864.86 from Fund No. 01-600201-507000, 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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force

from and after the earliest period allowed by law.

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 919-09.

**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 U.S. Department of Justice for the 2009 Paul Coverdell Forensic Science Improvement 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 \$88,915, and any other funds that may become available during the grant term, from the U.S. Department of Justice to conduct the 2009 Paul Coverdell Forensic Science Improvement Grant that the Director of Public Safety 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 contained in the file described below.

Section 2. That the application for the grant, File No. 919-09-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, are approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 923-09.

**By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with various agencies, entities, or individuals needed to implement the 2009 State Byrne Memorial Justice Assistance Grant; authorizing the Director to enter into one or more contracts with Adcom Communications for marketing, education, and awareness services; and authorizing the purchase or lease of television and radio advertising time and other media.**

Whereas, one of the economic benefits under the American Recovery and Reinvestment Act of 2009, also known as the Stimulus Bill, Pub.L. 111-5, H.R.1, S. 1 ("ARRA"), allowed Cities to receive funding for eligible improvements, projects, and programs; and

Whereas, under the authority of Ordinance No. 463-09, passed April 20, 2009, this Council authorized the Director of Finance or the Director responsible for the eligible improvements, projects, and programs to apply for and accept these ARRA funds from Federal, State, or other public entities; and

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with various agencies, entities, or individuals, including but not limited to, Community Re-Entry, Cuyahoga Municipal Housing Authority, Cleveland Metropolitan School District, Ohio State University, Kent State University, Partnership for a Safer Cleveland, and Challenge Day, Inc. to implement the 2009 State Byrne Memorial Justice Assistance Grant as described in File No. 923-09-A, during the grant term.

Section 2. That the Director of Public Safety is authorized to enter into one or more contracts with Adcom Communications for professional services necessary to provide marketing, education, and awareness services during the grant term.

Section 3. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the codified Ordinances of Cleveland, Ohio, 1976, for the purchase or lease of television and radio advertising time and other media, for the Department of Public Safety during the grant term.

Section 4. That the Director of Finance is authorized to pay a cash match in connection with receiving the 2009 State Byrne Memorial Justice Assistance Grant authorized under Ordinance No. 463-09, passed April 20, 2009 in the amount of \$74,216.69, payable from Fund Nos. 10 SF 025, 10 SF 027, and 20 SF 049.

Section 5. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009, and from 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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 924-09.**By Council Members Cleveland, Dow and Sweeney (by departmental request).****An emergency ordinance to repeal Sections 227.01 through 227.25 and 227.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 227.01 to 227.35 and 227.99 relating to day cares.**

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976,

Section 227.01, as amended by Ordinance No. 2973-85, passed January 27, 1986,

Section 227.02, repealed by Ordinance No. 1600-90, passed June 18, 1990,

Sections 227.03, 227.04, and 227.05, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Sections 227.06, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 227.07 through and including 227.25 and 227.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 227.01 through 227.35 and 227.99 to read as follows:

**CHAPTER 227
DAY CARE CENTERS**

Section 227.01 Definition

As used in this Chapter, "Day Care Center" means an institution or place in which seven or more children not of common parentage, are received for periods of not less than four hours, nor more than twenty-four hours at one time, for care apart from their parents, whether for compensation, reward or otherwise.

Section 227.02 Permit Required

No day care center shall be opened, maintained or conducted in the City of Cleveland without a written permit having been first issued by the Commissioner of Assessments and Licenses. No person, firm or corporation shall open, maintain, conduct or assist in the opening, maintenance or conduct of a day care center in the City, except after a permit has been issued, and then only in full compliance with all the provisions of this chapter.

Section 227.03 Permit Application

Any person, firm, association or corporation desiring a permit to open, maintain and conduct a day care center shall make written application to the Commissioner of Assessments and Licenses, and that application shall state the name and residence of the applicant, and if the applicant is a corporation or association, the name and residence of all the officers; the present or proposed location of the day care center; the purpose for which it is to be opened, maintained or conducted; the accommodations provided for the children to be admitted to the day care center; the name and address of the superintendent or of the person or persons to be in charge; and other information as the Commissioner may request.

Section 227.04 Inquiry Preliminary to Granting Permit

The Commissioner of Health, after such application is made, shall make or cause to be made a strict investigation of the statements and information contained in the application, and a thorough inspection of the premises intended to be used for the day care center.

Section 227.05 Conditions on Which Permit is Granted; Fee

(a) If the Commissioner of Health finds that the statements in the application are correct; that the premises intended to be used as a day care center are suitably located for a day care center and adequately equipped with all necessary heating, ventilating and sanitary devices to ensure the health and well-being of the children to be admitted to the day care center; that the application is made in good faith for the care and betterment of the children; that the superintendent or person to be in charge of the day care center is of good moral character and of sufficient knowledge, experience and ability to properly conduct, manage and maintain the day care center; that the proposed day care center and the premises occupied by the same comply in all respects with the requirements of this chapter; then, but not otherwise, the Commissioner of Health shall recommend to the Commissioner of Assessments and Licenses in writing, that a license be issued. The Commissioner of Assessments and Licenses shall issue or cause to be issued a permit authorizing the applicant or applicants in question to open and conduct a day care center at the place specified, which permit shall state the maximum number of children that may be admitted to or cared for in the day care center at one time. The fee to be paid annually to the City Treasurer for the permit shall be fifty dollars (\$50.00) and no permit shall be issued except upon payment of the fee. Every permit issued under this section shall expire on December 31 of the year in which it is issued, and no second or succeeding permit shall be issued to any person, firm, association, or corporation, except after a reinspection of the premises, as provided for in the case of the issuance of an original permit.

(b) Each day care center shall arrange for annual inspections by the City's Building Department and the Division of Fire. The day care center shall provide certification to the Department of Health that it is in full compliance with the City Building and Fire Codes.

Section 227.06 Posting of Valid State and City Licenses; Change of Ownership or Change of Address

Each day care center shall post in a public area a valid state and city license to operate a day care facility. Both licenses shall be located in an area that is easily noticed upon inspection. Upon change of ownership or

upon change of address, day care centers must reapply to the Commissioner of Assessments and Licenses for a new city license in order to maintain the validity of the license.

Section 227.07 Right of Entry; Revocation of Permit

The Commissioner of Health or his or her designee shall inspect, or cause to be inspected all day care centers in the City, whenever and as often as shall be necessary for the adequate supervision, control and regulation of the same. Whenever the Commissioner receives a written or verbal complaint to the effect that any day care center in the City is not managed, maintained, operated or conducted in compliance with the provisions of this chapter, or that the physical or moral well-being of any child or children cared for in any day care center is not being adequately and properly provided for, the Commissioner shall, within ten days after the written complaint has been delivered to him, cause an investigation of the day care center complained of to be made, and shall make or cause to be made a written report of the result of the investigation. The Commissioner is authorized and empowered either by himself, or any representative designated by him for that purpose, to enter any day care center in the City and the premises on which the same is conducted, for the purpose of making full inspection. If upon any inspection the Commissioner finds that any of the provisions of this chapter are being violated in connection with the conduct and operation of any day care center, or that the physical and moral well-being of any child or children cared for is not being adequately provided for, then and in such event he may revoke the permit issued for the operation of the day care center, and the operation of the day care center shall become unlawful.

Section 227.08 Staff Requirements

(a) All employees must be subject to a medical exam before being hired. All employees must have updated tuberculosis vaccinations before being hired and updated according to medical standards. The medical records and tuberculosis vaccination records must be kept in the employees' personnel files and are subject to inspection by the Commissioner of Health or his or her designee.

(b) All employees must subject themselves to a criminal records check in accordance with Chapter 5104 of the Ohio Revised Code and Chapter 5101:2-12 of the Ohio Administrative Code; the results of which must be kept in the employees' personnel files. Those persons found to have a criminal record shall not be employed in any capacity in or own or operate a school child day care center, unless permitted by Chapter 5104 of the Ohio Revised Code or Chapter 5101:2-12 of the Ohio Administrative Code.

(c) No employee shall abuse or neglect children and all employees shall protect children from abuse and neglect while in the center's care. All employees have a legal duty to immediately report any act or suspected act of child abuse or neglect to the local public children's service agency as provided for in Chapter 5104 of the Ohio Revised Code or Chapter 5101:2-12 of the Ohio Administrative Code.

Section 227.09 Admission Policies and Procedures

(a) Parents and Guardians of children at day care centers shall be provided with written information concerning the program and activities of the center. The information shall include the following:

- (1) The center's name, address and telephone number.
- (2) That the center is licensed to operate legally and the number of children and the age categories the center is licensed to serve.
- (3) That the state department of Job and Family services issues the center a license which is posted in a conspicuous place for review.
- (4) That the law and rules governing child day care are available at the center for review upon request.
- (5) That the department of Job and Family Services' toll-free number is available, and any person may use it to report a suspected violation by the center.
- (6) That the administrator and each employee of the center are required under Ohio law to report their suspicions of child abuse or child neglect.
- (7) That any custodial parent, custodian, or guardian of a child enrolled in a center shall be permitted unlimited access to the center during its hours of operation for the purpose of contacting their children, evaluating the care provided by the center or evaluating the premises. Upon entering the premises, the custodial parent, custodian, or guardian shall notify the administrator of his presence.
- (8) That rosters of names and telephone numbers of parents, custodians, or guardians of children attending the center are available on request. Parents shall be notified that the rosters shall not include the name or telephone number of any parent, custodian, or guardian who requests the administrator not include his name or telephone number.
- (9) That the center's licensing record including, but not limited to, compliance report forms from the department and evaluation forms from the health, building, and fire departments that inspected the center, is available on request from the department.
- (10) That it is unlawful to discriminate in the enrollment of children upon the basis of race, color, religion, sex, or national origin.
- (11) That it is unlawful to smoke on the premises during the Center's hours of operation and all Centers shall comply with Ohio laws and regulations regarding smoking.

(b) Parents and Guardians of children at day care centers shall be provided with written information concerning the center's program including, at a minimum:

- (1) Day and hours of operation.
 - (2) The maximum number of children per staff member allowed.
 - (3) A sample of the daily program schedule for the group of children in which the child will receive care.
- (c) Parents and Guardians of children at day care centers shall be provided with written information concerning the center's policies concerning:
- (1) Discipline and safety.
 - (2) The serving of meals and snacks.

- (3) Emergencies, accidents, management of communicable illnesses and administration of medications.
 - (4) Fees, registration, rebates, overtime charges, and permanent withdrawals.
 - (5) The release of the child from the center to any other person other than the custodial parent or guardian.
 - (6) The transportation of children including, but not limited to, transportation of a child to the source of emergency medical care or emergency dental care and transportation for routine trips, field trips, or special outings.
 - (7) The center's plan for parental participation.
 - (8) The center's plan for the supervision of children.
- (d) A copy of the policies stated above must be kept on file at the day care center and is subject to inspection by the City of Cleveland.

Section 227.10 Parental or Guardian Access

(a) The residential parent, custodian, or guardian of a child enrolled in a day care center shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting the child, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. Upon entering the premises, the residential parent, custodian, or guardian shall notify the administrator or his designee of his presence.

(b) A parent of a child enrolled in a day care center that is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes and conditions under which the residential parent of that child is permitted access to the center. However, the access of the parent who is not the residential parent is subject to and limited by any agreement between parents and, to the extent described in Chapter 5104 of the Ohio Revised Code, is subject to and limited by any terms or conditions limiting the right of access of the parent who is not the residential parent, as described in section 3109.051 of the Revised Code, that are contained in a visitation order or decree issued under that section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code.

Section 227.11 Ventilation, Light, Heat and Screening

(a) All rooms in a day care center shall be adequately heated and ventilated, and no room shall be used for day care center purposes unless the same has windows opening on a public thoroughfare, or a yard or court not less than ten feet wide, which windows shall have a total glass and sash area equivalent to one-eighth of the total floor area of the room.

(b) Each room used for day care center purposes shall be properly ventilated and no day care center shall be operated or conducted unless it is provided with a heating apparatus approved by the Commissioner of Health and installed in conformity with law and ordinance, sufficient to maintain a temperature of not less than 68° F., at all times in all parts of the day care center to which children are admitted.

(c) All doors, windows and other outside openings of any day care center shall be adequately provided with screens from May 15 to November 15 of each year while the day care center is in operation, so as to prevent the entrance of flies into the day care center. Each day care center shall be kept and maintained free from flies and other insects.

Section 227.12 Floor Space

(a) The day care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards.

(b) Each bed or crib shall be so placed at all times as to provide a space of not less than one foot on all sides around such bed or crib, except where the bed or crib may be in contact with a wall. Nothing contained in this chapter, however, shall prevent the installation of sectional metal beds of the type and construction approved by the Commissioner of Health.

Section 227.13 Rooms Above Ground Level

No room shall be used for day care center purposes unless the floor is above ground level, except if the Commissioner of Health and the Division of Fire shall upon a full examination of such room pronounce the same safe, healthful and sanitary.

Section 227.14 Outdoor Play Space and Playgrounds

(a) Each day care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The Commissioner of Health may exempt a center from the requirement if an outdoor play space is not available and if all of the following are met:

(1) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under Section 227.12 of this section.

(2) The Commissioner of Health has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(3) The children are closely supervised during play and while traveling to and from the area.

(b) Stationary outdoor equipment such as, but not limited to, climbing gyms, swings or slides, shall be placed out of the path of the main traffic pattern in the yard and shall be securely anchored unless portable by design.

(c) Outdoor play surfaces shall be maintained daily and shall be kept free of hazards and debris.

(d) Wading pools shall be filtered, emptied, or drained daily. When not in use, the pools shall be stored or otherwise made inaccessible to children.

Section 227.15 Premises to be Kept Clean

Each day care center, every part of a day care center, and all areas appurtenant to a day care center, shall be kept in a clean, sanitary and healthful condition, free from dangerous or noxious substances of any kind, or any conditions that may, in the judgment of the Commissioner of Health, tend to injure the physical or moral well-being of the children admitted or cared for in the day care center. No dry dusting or sweeping shall be done in any day care center while children are cared for in the day care center. No spraying of pesticides shall be done in any day care center while children are cared for in the day care center.

Section 227.16 Bedding

(a) Each center shall provide a quiet space for children who want to rest, nap, or sleep. The center or parent shall provide a clean and washable pad, mat, or comfortable furniture for children to use to rest, nap or sleep. No child shall be permitted to rest, nap, or sleep on the floor without a mat, pad, cot or comfortable furniture.

(b) When children rest, nap, or sleep on mats or pads, floors shall be clean, warm, dry, and draft free.

(c) Evacuation routes shall not be blocked by resting children. Each child shall have a free and direct means of escape, and the child care staff members shall have a clear path to each child.

(d) Children not of common parents may not occupy the same sleeping space at the same time.

Section 227.17 Care of Children's Clothing and Diapering

(a) All children's clothing must be kept clean and dry throughout the time at the day care center.

(b) Changing of diapers for all non-toilet trained school children shall be handled in conformity with the following methods:

(1) Changing of diapers for all non-toilet trained school children shall occur in a space that contains a hand-washing facility.

(2) Hands of the adult caring for the child shall be washed with soap and water after each diaper change.

(3) If a central diaper changing station is to be used, there shall be a separation material placed between the child and the changing surface. The separation material shall be replaced after each diaper change with a clean separation material.

(4) The central diaper changing station shall be disinfected after each diaper change with an appropriate germicidal agent. If the diaper changing station is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.

(5) Any product used during diaper changing which is used on more than one child shall be used in a way that the container does not touch the child. Any product obtained from a common container and applied to a child shall be applied in a manner that does not contaminate the product or its container. Common containers shall be cleaned and disinfected with an appropriate germicidal agent when soiled.

(c) Storing of clean diapers and clothing shall be handled under the following methods:

(1) A clean supply of diapers and clothing shall be available at all times and shall be stored in a specifically designated area.

(2) Diapers and clothing used during diaper changing brought from the child's home shall be stored in a space assigned exclusively for each school children's belongings.

(d) Storage and laundering of soiled diapers and clothing shall be handled under the following methods:

(1) Diapers and clothing soiled with fecal matter and sent home with a child need not be rinsed at the center, but may be placed directly into a plastic container or bag, sealed tightly, and stored away from the rest of the child's belongings and out of reach of children.

(2) Soiled diapers to be disposed of or cleaned by the center shall be placed in common plastic-lined, covered container which shall be emptied, cleaned, and disinfected with an appropriate germicidal agent daily or more frequently as needed. Diapers to be laundered at the center should be stored in an appropriate germicidal solution until laundered.

(3) Soiled diapers to be commercially laundered shall be held for pickup for laundering for no longer than seven days.

(4) Diapers to be laundered at home or by the center shall be held for no longer than one day.

(5) Soiled disposable diapers shall be discarded daily.

(6) Disposable materials are recommended for diaper changing, and if used, shall be used once and discarded. If washcloths or other washable materials are used, they shall be used once and stored in an appropriate germicidal solution until laundered.

Section 227.18 Use of Common Items Prohibited

The common use of washcloths, towels, bed linen, combs, tooth brushes, hair brushes and drinking cups, and other personal affects is prohibited.

Section 227.19 Toilet Facilities

Each day care center shall be adequately supplied with hot and cold water and toilet facilities within the building or part of the building used as the day care center. The hot water shall not go above 120 Degrees Fahrenheit. Scald controls shall be placed on all hot water dispensers to which children have access. There shall be separate toilets for boys and girls of school age and sinks and toilets shall be of a suitable height for the age and size of the children. If toilets and sinks are not of a suitable height for children, the center shall provide a sturdy portable platform on which the children may stand. All toilet facilities shall be equipped with adequate toilet tissue, soap and hand-drying mechanisms, including towels or air driers. Each day care center that uses a toilet training apparatus must clean the apparatus after each individual use and the apparatus must be stored in an appropriate place after use. Toilet facilities shall be cleaned on a regular basis using germicidal substances, but cleaning must not take place while the children are in attendance.

Section 227.20 Isolation Room or Area

Each day care center shall be provided with an isolation room/area of adequate size to provide for the isolation and care of any child having or suspected of having any contagious, infectious, parasitic or communicable disease, pending the examination of such child, and its removal from the day care center. Such isolation room/area shall be completely separated from all other parts of the day care center, and shall be so situated, maintained and equipped as to prevent the communication or spread of any disease from any occupant of such isolation room to other children admitted to or cared for in such day care center. The isolation room shall be equipped with a cot, at a minimum, for children to lie down and rest while being isolated.

Section 227.21 Communicable Disease

(a) Each day care center shall have a written policy concerning the management of communicable disease for both attendees and staff. This policy shall be available to all parents and guardians of children at the center, each employee of the center and to the director on request. The policy shall include, at a minimum:

(1) The center's means of training all staff on signs and symptoms of illness and in hand washing and disinfection procedures.

(2) The center's policy regarding the management of communicable disease among the center's employees.

(3) The list of symptoms for which a child shall be discharged from the center.

(4) Procedures for isolating and discharging an ill child and policy for readmitting a child.

(5) Location of Ohio department of health "Child Day Care Communicable Disease Chart" which shall be posted in each center.

(6) Procedure for immediate notification of the parent or guardian when a child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease.

(7) The center's policy for administration of medications to any child at the center.

(8) The center's policy regarding the care of a mildly ill child.

(b) A daily health check shall be conducted every day to recognize the signs of communicable disease and all results shall be documented and kept on file.

(c) Day care centers shall follow the Ohio Department of Health "Child Day Care Communicable Disease Chart" for appropriate management of suspected illnesses. This chart shall be posted in the day care center.

(d) Any child absent from any day care center for more than three days shall be subjected to a medical examination and proper documentation of said exam shall be presented to the day care center to indicate permission to return to the day care center.

Section 227.22 Care and Selection of Food

(a) Each day care center that prepares and/or serves food must post food licenses issued by the Department of Public Health or exemption thereof in a conspicuous place, easily noticed by all who enter the day care center. Current menus for the entire week shall be posted in a conspicuous place and shall reflect all meals, including breakfast, lunch, dinner or supper, and snacks to be served by the center; any substitute foods served shall be from the basic food groups and shall be recorded on the posted menu on the day the substitute food is served. Special efforts should be made to serve healthy food and beverage options to the children.

(b) All food used by the day care center or food provided by the parents of the children shall be stored safely and in a sanitary way. Storage of foods shall meet the requirements of Chapter 3732 of the Revised Code and any relevant regulations adopted by the public health council. Refrigerators shall be set to hold food at a temperature below 41 degrees Fahrenheit. The thermostat shall be in good working condition and accurate.

(c) Fluid milk shall be vitamin D fortified. Low-fat, skim, or dry powdered skim milk shall be vitamin A and D fortified. Prepared baby formula may also be used to feed infants. Breast milk must be labeled with name and date of issue. Refrigerated breast milk must not be kept for more than 24 hours. Frozen breast milk may be stored for up to three months. All nipples, bottles and containers of food and drink used in any day care center shall be kept thoroughly clean and capped with plastic tops and labeled with the child's name at all times.

(d) Parents may provide food for their children at the day care center if the center secures a proper valid food license, the center has a policy which addresses the center's procedures for providing a meal or snack to a child who comes to the center without food from home, and the center provides parents with nutritional guidelines of what foods must be provided for their children. Parents need to check with the day care center to find out if there are foods or products that are disallowed because a particular child or children at the center may be allergic to that food or product.

Section 227.23 Sanitary Condition of Day Care Centers

(a) Each day care center and all of the rooms, walls, floors, ceilings, closets, cupboards, stoves, refrigerators, furniture and other appurtenances, shall be kept in a thoroughly clean and sanitary condition at all times, and free from any dangerous, noxious or deleterious substances or conditions.

(b) Furniture, equipment, and materials which are not usable due to breakage or hazards shall be removed immediately and either repaired or discontinued from use.

(c) Washable equipment and furniture shall be cleaned with soap and water at least two times each year. Additionally, any item soiled during daily use by, but not limited to, blood, vomitus, toileting accidents and spills shall immediately be cleaned with soap and water and then disinfected with a germicidal agent. Toys and other items placed in children's mouths shall be cleaned thoroughly and disinfected with an appropriate germicidal solution and rinsed with water daily and immediately if soiled with blood, feces, urine or vomitus.

(d) All electrical outlets shall be covered to prevent accidents.

(e) If electrical fans are used, they shall have protective coverings, shall not be easily tipped over, and shall be placed so that they are not hazardous to children.

(f) Cleaning equipment shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans, or other chemical substances shall be stored in their original containers and/or clearly labeled, and stored in a space that is designated for the storage of such items and that is inaccessible to children.

(g) Blankets and/or sheets belonging to the center used by the children shall be laundered at least every week or more often if soiled. If a blanket and/or sheet is used by a different child, it shall be laundered between uses.

(h) Accumulated trash and garbage shall be stored outside of the outdoor or indoor play area and shall not be accessible to the children.

Section 227.24 First Aid Supplies

First Aid supplies shall be readily available at all times the day care center is in operation. First Aid supplies shall be organized and easily accessible and shall include: one roll of one-half inch non-allergenic adhesive tape, one roll of two inch gauze roller bandage, ten individual wrapped sterile gauze squares in various sizes, twenty five adhesive compresses (band aids), three cotton towels or sheeting, one pair of scissors, assorted sizes of safety pins, one flashlight, one thermometer, one measuring spoon or dosing spoon, tweezers, and one-third of a cup of powdered milk for dental first aid. Supplies shall be replaced as they are used, become damaged, or are sterile no longer.

Section 227.25 Program and Equipment

(a) Each center shall provide each day a balance of both quiet and active play suitable to the age and abilities of the children in care and shall include, but not be limited to:

- (1) Homework or individual, small group activities.
- (2) Developmentally appropriate enrichment activities.
- (3) Child initiated activities and unstructured time periods.

(4) Large muscle and outdoor play activities. In extremely inclement weather, the center shall provide an opportunity for indoor gross motor play such as, but not limited to climbing, jumping, running, or riding wheel toys.

(b) Each center shall make available to the children play materials and equipment for the purpose of implementing program goals and activities. Play materials and equipment shall be suitable to the age levels and abilities of the children attending the center.

(c) Play materials to be used in the center's program shall be arranged in an orderly manner so that children may select, remove, and replace play materials with a minimum of assistance during appropriate times throughout the daily program.

(d) Each center shall provide durable furniture, such as tables and chairs, for purposes of implementing the program. The furniture shall be child sized or appropriately adapted for use by children.

Section 227.26 Medical Examination Before Admission; Contagious Disease

No child shall be admitted to the day care center unless the child has been given a thorough and complete medical examination by a licensed examining physician. Such examination shall include all laboratory tests necessary to indicate the physical condition of the child examined, including a recent blood lead test for children under 6 years of age, and shall provide to the child all necessary immunizations that are required by law. The result of such examination shall be reduced to writing and preserved in the permanent files kept at the day care center. No child may be admitted to any day care center unless the examination indicated by the record shows that such child is free from any contagious, infectious, communicable or parasitic disease, and duly protected against contagion or infection. No examining physician shall make any untrue or incorrect statement in any report provided for in this section.

Section 227.27 Overcrowding and Children per Staff Member Ratio

(a) No room in any day care center shall be overcrowded. Any room shall be deemed overcrowded for the purposes of this chapter if there is less than 300 cubic feet of air space per child at any time.

(b) Each day care-center shall have at least two responsible adults, including one staff member, available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision of the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. The following ratios of children per child-care staff member are to be followed:

INFANTS

Less than twelve months old	5:1 or 12:2 with two staff members in the room
Twelve to eighteen months old	6:1

TODDLERS

Eighteen to less than thirty months old	7:1
At least thirty months to less than three years	8:1

PRESCHOOL

Three years old	12:1
Four and five year olds	14:1

SCHOOL CHILDREN

Children enrolled in, or eligible to be enrolled in kindergarten or above, but less than eleven years old	18:1
Eleven through fourteen years old	20:1

(c) When children are combined with other age groups, the ratio must conform to the youngest child in the group.

(d) Each day care center must have an administrator on site for minimum of at least half of the operating hours. This presence must be documented and available for inspection.

Section 227.28 Discipline of Children

Each day care center shall have a written discipline policy which describes the center's philosophy of discipline and the specific methods of discipline used at the center. The policy shall follow the State's guidelines as set forth in 5101:2-17-42 of the Ohio Administrative Code. The parent or guardian of a child enrolled in a center shall receive a copy of the written discipline policy and a copy of the policy shall be on file at the day care center and ready for inspection.

Section 227.29 Safety Policies

Each day care center shall have written policies for different safety issues including, but not limited to not leaving children unattended, arrival and departure policies, immediate telephone access, fire and weather alert plans, incident report procedures, monthly fire drills, field trip safety plans, and the no spraying of aerosols while children are present. These written policies shall be on file at the day care center and ready for inspection.

Section 227.30 Child Enrollment, Attendance and Medical Records

(a) The administrator of each day care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential except as otherwise exempt by law.

(b) Enrollment records shall include:

- (1) The name, address, and birth date of each child.
- (2) The date of admission of each child.
- (3) The names, home addresses, home telephone numbers of each parent or guardian.
- (4) The names, work addresses, work telephone numbers, or name and address of location and telephone number where each parent or guardian may be reached during the hours the child attends the center.
- (5) The names, addresses, telephone numbers and relationships to each child of at least two local persons who can be contacted by the center in the event of an emergency if the parent or guardian cannot be reached.

(c) Attendance records shall be kept by the staff member responsible for the child. Records shall be kept for at least three months and shall include the names of the other children in the group, the name of the staff member in charge of that group, the designated space used by the group, and the schedule of each child in the group, including the days and hours of attendance.

(d) Health records shall be secured from the parent on or before the first day of attendance. The health record shall be kept on file and shall include:

- (1) A list of medications, food supplements, modified diets, or fluoride supplements currently being administered to the child.
- (2) Written, signed and dated instructions from a licensed physician or licensed dentist to administer medications, food supplements, modified diets or fluoride supplements.
- (3) A list of all allergies and any special precautions or treatment indicated for these allergies.
- (4) A list of all physical problems, health problems, and any history of hospitalization.
- (5) A list of diseases the child has had.
- (6) The name, address, and telephone number of the child's physician or clinic.
- (7) An emergency transportation authorization as required in the Ohio Administrative Code.

(e) The center shall require that parents or guardians review and update information as needed or at least annually.

Section 227.31 Administration of Medications and Supplements

(a) Each center shall have a written policy on file and given to parents and guardians that governs whether and how a center administers medications, food supplements, modified diets or fluoride supplements.

(b) Each center shall secure the written instructions of a licensed physician or licensed dentist for the administration of the medication, food supplement, modified diet, or fluoride supplement and secure the written, signed and dated instructions of the parent or guardian on the form provided by the director for the administration of the medication, food supplement, modified diet, or fluoride supplement.

(c) Prescription labels on medications to be administered must be clearly labeled, with a current date, an exact dosage and the specific number of dosages to be given daily, and the route of administration.

(d) Exceptions:

- (1) In cases of extreme emergency, center personnel may administer syrup of Ipecac to a child without written instructions from a physician if following verbal instructions of the poison control center or a licensed physician.
- (2) Nonprescription fever-reducing medications that do not contain aspirin, or nonprescription cough or cold medications that do not contain codeine may be administered by the center without written instructions from a licensed physician if the child's parent or guardian have provided an authorization, the medication is in its original container, and medication is properly labeled with dosages based on the child's age or weight.

(e) Medications, food supplements, and fluoride supplements shall be kept in a safe location where children cannot reach it. A medication requiring refrigeration shall be refrigerated on arrival at the center and shall be stored so as not to contaminate foodstuffs.

Section 227.32 Medical and Dental Emergency Procedures

(a) The day care center shall have a written plan for medical and dental emergencies. The emergency plan shall require immediate notification of the parent or guardian in the event of any accident, injury, or illness and shall include plans for transportation of the child to the source of medical or dental care treatment, if necessary.

(b) The medical and dental emergency plan shall be posted by each telephone used by the center and in each classroom used by the children at the center. The emergency plan shall state, at a minimum, the following information:

- (1) The center's name, address, and telephone number.
- (2) The location of the first aid kit.
- (3) The current emergency telephone numbers for the emergency squad, the fire department, the hospital, the poison control center, the local public children's services agency, and the police department.
- (4) The names of the staff trained to administer first aid.
- (5) The location of children's records.
- (6) General instructions to staff in case of emergency, including the supervision of children during the emergency.
- (7) General instructions to staff in case of illness of children.
- (8) The location of the Ohio department of health dental first aid chart.

Section 227.33 Reports to the Commissioner of Health

(a) Every person, firm, association or corporation conducting, managing or maintaining a day care center shall report to the Commissioner of Health at once by telephone and by mail all cases and suspected cases of contagious diseases, such as smallpox, chickenpox, diphtheria, scarlet fever, mumps, measles, German measles, impetigo contagiosa, typhoid fever, tuberculosis, infantile paralysis, epidemic cerebrospinal fever, pneumonia, summer diarrhea, and any other disease that may be classified by the Commissioner as actively communicable. The report shall give the names and addresses of persons so afflicted and other information as may aid in eradicating such diseases.

(b) Every person, firm, association or corporation conducting a day care center shall also make out a Monthly Illness Report Form in writing on or before the fifth day of each calendar month, giving a complete record of the operation of the center during the preceding calendar month, showing the number of children admitted, all relevant illnesses, all accidental injuries and deaths, the cause of the same and other information as may be necessary to an intelligent supervision of the center. This report shall be kept in the permanent records of the day care center.

(c) All reports required in this section shall be made upon blanks approved by the Commissioner and shall be signed by the superintendent or the official in charge. All records placed in permanent files under the requirements of this chapter shall be open to inspection of the Commissioner or any officer or employee of the Division of Health designated by the Commissioner at any time.

Section 227.34 Appeal

A day care center's license may be suspended or revoked at any time by the Commissioner of Health on his own initiative or on the recommendation of the Director of Public Health. Before suspending or revoking the license the Commissioner shall afford the licensee the opportunity of a hearing on the charges. The licensee may appeal from the order in the manner provided by Section 201.03. A second suspension for the same reason or, in any case a third suspension of a day care center's license shall operate as a revocation of such license. No day care center's owner or administrator whose license has been revoked shall again be licensed as a day care provider in the City unless on presentation of reasons satisfactory to the Commissioner. The Commissioner shall notify the Department of Health of all suspensions or revocations of day care licenses.

Section 227.35 Violations

(a) If any person, firm, association or corporation conducting a day care center violates any of the provisions of this chapter relating to the safety of, or the accommodations for the children, the Commissioner of Health is authorized to issue an order to close the day care center and keep it closed until such repairs or alterations have been made as will comply with the provisions of this chapter.

(b) No person shall fail to comply with a lawful order issued by the Commissioner under this section.

Section 227.99 Penalty

(a) Any person, firm, association or corporation who opens, maintains or conducts a day care center without first having been granted a permit, or after the due revocation of the permit, or in violation of any of the provisions of this chapter, shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1000.00) for each offense.

(b) Whoever fails to comply with the lawful order issued under division (a) of Section 227.35 is guilty of a misdemeanor of the first degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(c) In the event of any actual or threatened violation of this chapter or an emergency situation, the Director of Law, in addition to other remedies provided by law, may institute proper suit in equity or at law to prevent or terminate the violation or remedy the situation.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 964-09.

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

An emergency ordinance determining the method of making the public improvements of renovating and rehabilitating Aviation High School and its associated property and constructing a temporary consolidated maintenance facility at Burke Lakefront Airport; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvements; to employ one or more professional consultants to design the improvements and to enter into various written standard purchase and requirement contracts; to lease Aviation High School and its associated property to MCPc, Inc., dba MCPc Computer Products, for a term of fifteen years; and to apply for and accept grants from any public or private entities to implement the improvements.

Whereas, the City of Cleveland owns certain property known as Aviation High School and its associated property, located at 1501 North Marginal Road ("Aviation High School"), which is not needed for public use; and

Whereas, MCPc Inc., dba MCPc Computer Products ("MCPc") has proposed to lease Aviation High School from the City in order to relocate its headquarters and manufacturing operations to the City of Cleveland; and

Whereas, the City of Cleveland desires to lease the property to MCPc and is willing to work with MCPc to renovate and rehabilitate Aviation High School due to the significant economic advantages it will bring to the City; and

Whereas, the unique design, time, budgetary, or other material elements of this project can benefit from the special care, coordination, and expeditiousness possible by performance of both the professional design services and the construction under a design-build approach contract with a single entity; 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 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of renovating and rehabilitating Aviation High School and its associated property and constructing a temporary consolidated maintenance facility (the "Improvement"), for the Division of Burke Lakefront Airport, Department of Port Control, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method(s), the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional(s) and construction firm(s), and the other objectives of the Improvement.

The selection of the person(s), firm(s), or corporations(s) to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of

Port Control from a list of qualified and available person(s), firm(s), or corporations(s), as may be determined by the Director of Port Control after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That, alternatively, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating Aviation High School and its associated property, and constructing a temporary maintenance facility consisting of the design, procurement, and construction of the Improvement, for the Division of Burke Lakefront Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director of the Department of Port Control the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 3. That, alternatively, the Director of Port Control 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 Department of Port Control in order to provide professional services necessary to design the Improvement, for a period up to two years, with two one year options exercisable by the Director of Port Control.

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

Section 4. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of sup-

plementing the regularly employed staff of the several departments of the Department of Port Control in order to provide professional services which are necessary to implement the Improvement and are not covered under any other professional services contract authorized in this ordinance, for a period up to two years, with two one year options exercisable by the Director of Port Control.

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

Section 5. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period up to two years, with two one year options exercisable by the Director of Port Control, for the necessary items of materials, equipment, supplies, and services necessary to implement or construct the Improvement, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

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

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Port Control 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 and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to lease to MCPc, Inc., dba MCPc Computer Products ("MCPc"), Aviation High School and its associated property, located at 1501 North Marginal Road.

Section 9. That the term of the lease authorized by this ordinance shall not exceed fifteen years.

Section 10. That Aviation High School and its associated property shall be leased at a base rental of \$1.0 million annually for the first 5 years of the term, shall increase to

\$1.2 for years 5 through 10 and increase to \$1.5 million for years 11 through 15. MCPc will be responsible for any expenses in excess of \$14.3 million needed for completion of the Aviation High School portion of the Improvement. Rent credits shall be issued to the extent that the costs of completing the Aviation High School portion of the Improvement is below \$14.3 million and amortized against base rental over the term of the lease. The Lease will be on a triple net basis and will require a surety equal to one year of base rent.

Section 11. That the lease shall authorize MCPc to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 12. That the lease shall be prepared by the Director of Law.

Section 13. That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to The Bank of New York Mellon Trust Company, NA, as successor trustee, dated November 1, 1976, as amended, that the City desires and requests that a certain portion of its land subject to the Trust Indenture be released and removed from all obligations under the Trust Indenture. The portions of the land to be released is Aviation High School and its associated property.

Further, the City acknowledges, states and affirms that it is not in default under the Indenture, and that release of the land is necessary in order to enter into the lease with MCPc as contemplated herein.

Section 14. That the Director of Port Control is authorized to apply to The Bank of New York Mellon Trust Company, NA, as successor trustee, for release of Aviation High School property and its associated property under the Trust Indenture dated November 1, 1976, as amended.

Section 15. That the Director of Port Control is authorized to apply to the Federal Aviation Administration for the land release of Aviation High School and its associated property, and authorizing the Director of Port Control, the Director of Law, and other appropriate City officials to execute any other documents, deeds, and certificates, and take any other actions which may be necessary or appropriate to effectuate the land release.

Section 16. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 17. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of Codified Ordinances of the City of Cleveland, the Director of Port Control is authorized to execute all documents and pay all fees necessary to acquire any real estate interests needed for the Improvement.

Section 18. That the Director of Economic Development is authorized to apply for and accept grants from any public or private entity to assist with the Improvement; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes of this ordinance.

Section 19. That the Department of Port Control shall develop a memorial honoring General Benjamin O. Davis at an appropriate location to be determined by the Department.

Section 20. That the costs of any grants, contracts, or payments authorized in this ordinance shall be paid from Fund Nos. 17 SF 652, 60 SF 104, 60 SF 106, 60 SF 112, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 128, 60 SF 129, and 60 SF 130, 60 SF 141, and from the fund or funds to which are credited any grant proceeds received under this ordinance, Request No. 175251.

Section 21. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 971-09.
By Council Member Cimperman.
An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 76 of the Charter of the City of Cleveland, relating to the City Planning Commission.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that it must be certified to the election authorities immediately in order for the question to appear at the regular municipal election to be held on November 3, 2009, and providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at the regular municipal election to be held at the usual places of voting of the City on Tuesday, November 3, 2009, of a proposal to amend the Charter of the City of Cleveland by amending existing Section 76 to read as follows:

§76 City Planning Commission

There shall be a City Planning Commission composed of seven (7) members. One shall be a member of the Council of the City of Cleveland chosen by each Council to serve during the term of such Council, and six members shall be appointed by the Mayor, with the approval of Council, and may be removed by the Mayor. Two alternate members shall be appointed by the Mayor, with the approval of Council, and may be removed by the Mayor. The alternate members may serve in place of a non-Council member of the City Planning Commission who is unable to act or is self-disqualified because of personal interest, and shall then have all the powers of the member and shall receive compensation for services as determined by the Council. In the event of the absence of the one Council member of the City Planning Commission, the Council President may appoint another Councilmember to serve as a member pro tempore for

purposes of that City Planning Commission meeting. The term of the members, other than Council members, shall be six (6) years, except that of the initial appointments of the non-alternate members, the terms of two members shall be two (2) years, and the terms of two members shall be four (4) years. Vacancies in the Commission shall be filled in the same manner for the unexpired term. The Chairman of the Commission shall be appointed annually by the Mayor from the members and may be removed as Chairman at the Mayor's pleasure.

Section 2. That the proposed amendment to the Charter, upon receiving at least a majority of the votes cast at the November 3, 2009 regular municipal election, shall become effective immediately upon its adoption.

Section 3. That the Clerk of this Council is authorized promptly to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the election to be held on November 3, 2009, on the proposed amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of this Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the regular municipal election to be held on November 3, 2009, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Ohio Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the proposed amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Section 76 of the Charter of the City of Cleveland be amended to provide for the appointment of two alternate members to the City Planning Commission who shall be appointed by the Mayor with the approval of Council, may be removed by the Mayor, shall serve for a six (6) year term, shall serve in place of a non-Council member of the City Planning Commission who is unable to act or is self-disqualified because of personal interest, and shall receive compensation for services as determined by the Council, and for the appointment of an alternate Councilmember by the Council President in the absence of the one Council member of the City Planning Commission?

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 972-09.

By Council Member Cimperman.

An ordinance changing the Use District of lands on the south side of Clark Avenue between the intersections of W. 13th Street and an Unnamed Alley to a Local Retail Business District and a Two Family Residential District and a 'B' Area District as indicated on the map (Map Change No. 2283, Sheet Nos. 5 & 6).

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

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

Beginning in the centerline of Clark Avenue at its intersection with the northerly prolongation of the centerline of West 13th Street;

Thence southerly along the northerly prolongation of the centerline of West 13th Street to its intersection with the westerly prolongation of the southerly line of Sublot No. 9 in the J.M. Curtiss Subdivision shown on the recorded plat in Volume 12, Page 1 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said southerly line and along its easterly prolongation to its intersection with the centerline of West 12th Street;

Thence southerly along said centerline of West 12th Street to its intersection with the westerly prolongation of the centerline of Mace Court;

Thence easterly along said westerly prolongation and along its easterly prolongation to the southeasterly line of Sublot No. 54 in the aforementioned J.M. Curtiss Subdivision;

Thence northeasterly along said southeasterly line and along its northeasterly prolongation to its intersection with the centerline of West 11th Street;

Thence northwesterly along said centerline of West 11th Street to its intersection with the southwesterly prolongation of the southerly line of a parcel of land conveyed to Virginia Rodriguez by deed dated January 4th 1989 and recorded in Auditor's File Number V89900290056 said parcel also being known as Cuyahoga County's Permanent Parcel number 008-09-064;

Thence northeasterly along said southwesterly prolongation of said southerly line to its intersection with the northwesterly line of Sublot Number 56 in the aforementioned J.M. Curtiss Subdivision;

Thence southwesterly along said northwesterly line to its intersection with the southwesterly line of a parcel of land conveyed to Kimberly Smith by deed dated July 14, 2006 and recorded in Auditor's File Number 200607140937, said parcel also being known as Cuyahoga County's Permanent Parcel Number 008-09-091;

Thence southeasterly along said southwesterly line to its intersection with the southeasterly line thereof;

Thence northeasterly along said easterly line and along its northeasterly prolongation to its intersection with the centerline of Clark Avenue;

Thence westerly along said centerline of Clark Avenue to its intersection with the northerly prolongation of the centerline of West 13th Street and the principal place of beginning; and shaded on the attached map is changed to a Local Retail Business District.

Section 2. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of West 11th Street at its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 58 in the J.M. Curtiss Subdivision shown on the recorded plat in Volume 12, Page 1 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northwesterly line and along its northeasterly prolongation to its intersection with the centerline of an Unnamed Alley, 16 feet Wide;

Thence southeasterly along said centerline of said Unnamed Alley to its intersection with the northeasterly prolongation of the southeasterly line of Sublot Number 62 in the aforementioned J.M. Curtiss Subdivision;

Thence southwesterly along said northeasterly prolongation of said southeasterly line and along its southwesterly prolongation to its intersection with the centerline of West 11th Street;

Thence northwesterly along said centerline of West 11th Street to its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 58 and the principal place of beginning; and as indicated on the attached map is changed to a Two Family Residential District and a 'B' Area District.

Section 3. That the changed designation of lands described in Section 1 and Section 2 shall be identified as Map Change No. 2283, Sheet Nos. 5 & 6, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed August 5, 2009.
Effective September 4, 2009.

Ord. No. 1067-09.**By Council Member Cimperman.**

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009, relating to changing the use district of land on the north and south sides of Holmden Avenue east of West 14th Street to an Urban Garden District.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009 are amended to read as follows:

An ordinance changing the Use District of land on the north and south sides of Holmden Avenue east of West 14th Street to an Urban Garden District (Map Change No. 2282, Sheet Nos. 5 and 6).

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

Beginning in the centerline of Holmden Avenue, east of West 14th Street at its intersection with the northerly prolongation of the westerly line of Sublot Number 47 in the F. Nicola Subdivision Not Recorded, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-077;

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

Thence easterly along said southerly line and continuing along its easterly prolongation to its intersection with the westerly line of Sublot Number 52 in the aforementioned F. Nicola Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-072;

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

Thence westerly along said centerline of Holmden Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 7 in the aforementioned F. Nicola Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-035;

Thence northerly along said southerly prolongation of said easterly line to its intersection with the southerly line of Sublot Number 54 in the Meyer Re-Allotment shown on the recorded plat in Volume 12, Page 8 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-024;

Thence westerly along said southerly line to its intersection with the westerly line of the aforementioned Sublot Number 7;

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

Thence westerly along said centerline of Holmden Avenue to its

intersection with the northerly prolongation of the aforementioned Sublot Number 47 and the principal place of beginning;

and shaded on the attached map is changed to an Urban Garden District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2282, Sheet Nos. 5 and 6, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009 are repealed.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1068-09.**By Council Member Keane.**

An emergency ordinance designating St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on June 25, 2009 to discuss the proposed designation of St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark; and

Whereas, the Commission has recommended designation of St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Pat-

rick West Park), whose street addresses in the City of Cleveland are 4395-4435 Rocky River Drive, S.W., and 17708-17722 Puritas Avenue, S.W.; Cuyahoga County Auditor's Permanent Parcel Numbers are 027-12-009, 027-12-10, 027-12-012, 027-12-050, 027-12-051, also known as the following described property:

Beginning on the Southeasterly line of Rocky River Drive, S.W. at its intersection with the Northerly line of Puritas Avenue, S.W.; thence Northeasterly along the Southeasterly line of said Rocky River Drive to the Northerly line of land conveyed to William Code by deed dated November 2, 1881 and recorded in Volume 330, Page 197 of Cuyahoga County Records and being also known as Permanent Parcel Number 027-12-009; thence Easterly along the Northerly line of land conveyed to said William Code to the Northeasterly corner thereof; thence Southerly 264.66 feet along the Easterly line of land conveyed to William Code as aforesaid to the Southeasterly corner thereof; thence Westerly along the Southerly line of land so conveyed to the Westerly line of land conveyed to Kathryn and Thomas Murray by deed dated March 31, 1939 and recorded in Volume 4933, Page 387 of Cuyahoga County Records and being also known as Permanent Parcel Number 027-12-013; thence Southerly along the Westerly line of said land to the Northerly line of Puritas Avenue; thence Westerly along the Northerly line of said Puritas Avenue to the place of beginning;

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

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1070-09.**By Council Member Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from The Cleveland Foundation for the Public Management Development Program; and authorizing the director to enter into one or more contracts with Cleveland State University to implement the grant.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Finance is authorized to apply for and accept a grant in the approximate amount of \$181,500, and any other funds that may become available during the grant term from The Cleveland Foundation to conduct the Public Management Development 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 preview for the grant contained in the file described below.

Section 2. That the application preview for the grant, File No. 1070-09-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 Finance is authorized to enter into one or more contracts with Cleveland State University to implement the grant as described in the file.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 1071-09.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the 2009 Byrne Justice Assistance Grant Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant; and authorizing the Director to enter into one or more contracts with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, and Parma 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 \$1,146,278, from the United States Department of Justice for the 2009 Byrne Justice Assistance Grant 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 grant application package for the grant contained in the file described below.

Section 2. That the grant application package for the grant, File No. 1071-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

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

Section 7. That the Director of Public Safety is authorized to enter into one or more agreements with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, and Parma (the "Grant Partners") to implement the grant as described in the file. The agreement shall,

among other things, include the obligation of the Grant Partners to pay monthly fees to the City for the use of regionalized computer-aided design (CAD) equipment and services, which shall be deposited into the fund or funds determined to be appropriate by the Director of Finance.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1072-09.

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

An emergency ordinance to amend Section 7 of Ordinance No. 725-09, passed June 8, 2009, relating to authorizing the Director of Public Safety to employ one or more professional consultants, software developers, or vendors to implement a records management system and authorizing standard purchase and requirement contracts necessary to implement the system.

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

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

Section 1. That Section 7 of Ordinance No. 725-09, passed June 8, 2009 is amended to read as follows:

Section 7. That the cost of the contract or contracts authorized shall be paid from Fund No. 20 SF 524, Request No. 188253.

Section 2. That existing Section 7 of Ordinance No. 725-09, passed June 8, 2009 is repealed.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1073-09.

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

An emergency ordinance authorizing the Director of the Office of Equal Opportunity to enter into one or more contracts with National Economic Research Associates, Inc. dba NERA Economic Consulting for professional services necessary to develop, conduct, and interpret a disparity study, including recommending and implementing accepted

improvements, for a period up to one year, for the Office of Equal Opportunity.

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 Office of Equal Opportunity is authorized to enter into one or more contracts with National Economic Research Associates, Inc. dba NERA Economic Consulting for professional services necessary to develop, conduct, and interpret a disparity study, including recommending and implementing accepted improvements, for a period up to one year, on the basis of its proposal dated June 26, 2009, in a sum not to exceed \$758,000, for the Office of Equal Opportunity. The contract or contracts shall be paid from Fund Nos. 01-999800-632000, 60 SF 001, 52 SF 001, Request No. 164803.

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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 1075-09.
By Council Members Conwell, Brancatelli, Dow and Sweeney (by departmental request).

An emergency ordinance to amend Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, relating to right of entry and placards posted on dwelling structures or premises to be vacated or condemned.

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 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, are amended to read as follows:

Section 367.03 Right of Entry

Upon presentation of proper credentials the Director of Building and Housing and his duly authorized agents or inspectors or the Fire Chief or his duly authorized agents or inspectors may enter at reasonable times, or at such other times as may be necessary in an emergency, any dwelling, building, structure or premises in the City to perform any duty imposed on him by this Housing Code or the Fire Code, provided that permission to

enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary. No person shall in any way obstruct, hinder, delay or otherwise interfere with such entrance under this Section.

Section 367.07 Placards Posted by the Department of Building and Housing and the Division of Fire

(a) Whenever the Director of Building and Housing orders a dwelling structure or premises to be vacated or condemned under these codified ordinances, he shall cause to be posted at each entrance to the structure or premises a placard which may state, "THIS BUILDING IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING."

(b) Whenever the Fire Chief finds a vacant dwelling structure or premises to be declared condemned or it is found to be unsafe under the provisions authority, and procedures of any of these codified ordinances he may cause to be posted placards on the front of the structure or premises which comply with the following placarding requirements:

(1) *Placard location.* Placards shall be applied on the front of the structure and be visible from the street. Additional placards may be applied to the side of each entrance to the structure and on penthouses.

(2) *Placard size and color.* Placards shall be 24 inches by 24 inches (610 mm by 610 mm) in size with a red background, white reflective stripes and a white reflective border. The stripes and border shall have a 2-inch (51 mm) stroke.

(3) *Placard date.* Placards shall bear the date of their application to the building and the date of the most recent inspection.

(4) *Placard Symbols.* The design of the placards shall use symbols designated by the Fire Chief or his designee to indicate each of the following:

A. That the structure had normal structural conditions at the time of marking.

B. That the structural or interior hazards exist and interior fire-fighting or rescue operations should be conducted with extreme caution.

C. That structural or interior hazard exist to a degree that consideration should be given to limit fire fighting to exterior operations only, with entry only occurring for known life hazards.

(5) Additional detail may be posted on the placard if determined necessary by the Fire Chief.

(6) *Informational Use.* The use of these symbols and any additional detail shall be informational only and shall not in any way limit the

discretion of the Fire Chief or his on-scene Officer in Charge.

(c) No person shall enter or use any structure or premises which have been placarded under this section except for the purpose of making the required repairs or demolishing the structure or premises.

(d) No person shall deface or remove any placard posted under this section until written permission is given by the Director of Building and Housing or the Fire Chief, whoever posted the placard, that the repairs have been completed or demolition is complete or the building is safe.

Section 2. That existing Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, 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.

Passed August 5, 2009.
Effective August 13, 2009.

Ord. No. 1077-09.

By Council Member Brancatelli.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 947-09 as it pertains to the Summer Music Camp Program through the use of Ward 12 Neighborhood Capital Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 947-09 passed July 1, 2009 are hereby amended to read as follows:

Authorizing the Director of the Department of Community Development to enter into an agreement with the Slavic Village Development Corporation for the Summer Music Camp Program through the use of Ward 12 Neighborhood Capital Funds.

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement with the Slavic Village Development Corporation effective June 22, 2009 for the Summer Music Camp Program for the public purpose of providing music education for Cleveland youth through the use of Ward 12 Neighborhood Capital Funds.

Section 2. That the Title and Section 1 of Ordinance No. 947-09 passed July 1, 2009 are hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed August 5, 2009.
Effective August 13, 2009.

Ord. No. 1078-09.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Progressive Arts Alliance for the RHAPSODY Summer Arts Camp through the use of Ward 13 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 enter into an agreement effective August 3, 2009 with the Progressive Arts Alliance for the RHAPSODY Summer Arts Camp for the public purpose of providing educational and recreational activities to city of Cleveland youth through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,000 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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 1079-09.

By Council Member Dow.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Catholic Charities Community Services for the Fatima Fun and Fitness 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 Parks, Recreation and Properties is authorized to enter into an agreement with Catholic Charities Community Services for the Fatima Fun and Fitness Program for the public purpose of providing recreational activities and programs to city of Cleveland youth 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 \$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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 1080-09.

By Council Member Polensek.

An emergency ordinance amending Section 1 of Ordinance No. 737-09 passed on May 18, 2009 as it pertains to authorizing the Director of the Department of Community Development to enter into an agreement with the Neighborhood Leadership Institute for the Scoop on Summer Program through the use of Ward 11 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 Section 1 of Ordinance No. 737-09 passed May 18, 2009 is hereby amended to read as follow:

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement effective May 1, 2009 with the Neighborhood Leadership Institute for the Scoop on Summer Program for the public purpose of providing Cleveland residents a brochure of summer activities and programs taking place in the North Collinwood neighborhood through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 737-09 passed May 18, 2009 is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed August 5, 2009.
Effective August 13, 2009.

Ord. No. 1081-09.

By Council Member Polensek.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Neighborhood Leadership Institute for the Community Information Project through the use of Ward 11 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 the Department of Community Development enter into an agreement with the Neighborhood Leadership Institute for the Community Information Project for the public purpose of promoting neighborhoods that are in the city of Cleveland through the use of a communitywide newsletter, through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 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 August 5, 2009.
Effective August 13, 2009.

Ord. No. 1082-09.

By Council Member Pruitt.

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with the William E. Sanders Family Life Center for the Community Bridge Building 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 Aging is authorized to enter into an agreement effective July 1, 2009 with the William E. Sanders Family Life Center for the Community Bridge Building Program for the public purpose of providing social support services to senior citizens that reside in the city of Cleveland through Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$65,000 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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 1083-09.

By Council Members Sweeney and Keane.

An emergency ordinance amending Section 2 of Ordinance No. 801-09 passed June 1, 2009 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Young Audiences of Northeast Ohio, Inc., for the Garfield Elementary School Mural Program through the use of Ward(s) 20 and 21 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 Section 2 of Ordinance No. 801-09 passed June 1, 2009 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 801-09 passed June 1, 2009 is hereby repealed.

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

from and after the earliest period allowed by law.

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1084-09.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Clerk of Council to enter into an agreement or agreements with Blue Technologies, Inc. for the professional services necessary to provide a software solution to customize and implement an integrated Legislative Management System, and to provide on-going maintenance for the software and to further authorize the Clerk to enter into an agreement with Hyland Software, Inc., for web hosting services and a software license for Cleveland City Council and repealing Ordinance No. 942-09 passed July 1, 2009.

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 or agreements with Blue Technologies, Inc. for the professional services necessary to provide a software solution to customize and implement an integrated Legislative Management System for Cleveland City Council, including, but not limited to, configuration, implementation, training, on-going maintenance and technical support, as well as consultation on future phases of software implementation.

That the Clerk is further authorized to enter into an agreement with Hyland Software Inc, for web hosting services of the software solution and a license for use of the software used to provide a legislative management solution for Council.

The terms of the agreements authorized in this section shall begin on the same effective date and shall be for one year with two one-year options to renew, exercisable by the Clerk.

The total cost of the services provided by the agreements authorized herein shall not exceed \$90,000 for the first year; the cost of a renewal term, if exercised, shall not exceed \$62,000 per year. Payment shall be made from fund numbers 632000-01-010100 and fund no 11 sub fund 006.

Section 2. That Ordinance No. 942-09, passed July 1, 2009, is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1085-09.

By Council Member Dow.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Fidelity Baptist Church to stretch banners between East 84th & East 85th and Wade Park for the period from August 1, 2009 to August 31, 2009, inclusive, publicizing their annual bazaar.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Fidelity Baptist Church to install, maintain and remove banners between East 84th and East 85th & Wade Park for the period from August 1, 2009 to August 31, 2009, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1110-09.

By Council Member Cimperman.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to John G. Dimarhos to engage in peddling in Ward 13 across from 3301 Payne Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified

Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of John G. Dimarhos to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow John G. Dimarhos to peddle in Ward 13; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances to allow John G. Dimarhos to engage in mobile peddling in the public rights of way of Ward 13 across from 3301 Payne Avenue.

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

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1115-09.

By Council Member Brady.

An emergency ordinance authorizing and directing the director of Public Service to issue a permit to Westown Community Development Corporation to stretch banners at the southwest corner of Terminal Avenue and West 130th Street & the northwest area of West 130th Street, for the period of time from August 1, 2009 to August 31, 2009, inclusive, publicizing the Westpark Community Celebration.

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 Public Service is hereby authorized and directed to issue a permit to Westown Community Development Corporation, to install, maintain and remove banners at the southwest corner of Terminal Avenue and West 130th Street & the northwest area of West 130th Street &

the northwest area of West 130th Street, for the period from August 1, 2009 to August 31, 2009, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as to not 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 banners shall be removed promptly upon the expiration of said permit.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1116-09.

By Council Member Wilkes.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Union Miles Development Corporation to stretch banners on East 93rd Street south of Benham Avenue and across Miles Avenue at East 111th Street, for the period from July 12, 2009 to August 17, 2009, inclusive, publicizing the "Union Miles Community Expo."

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Union Miles Development Corporation to install, maintain and remove banners on East 93rd Street south of Benham Avenue and across Miles Avenue at East 111th Street, for the period from July 12, 2009 to August 17, 2009, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of

said permit.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1117-09.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Tremont West Development Corporation for the Arts in August Expo Program through the use of Ward 13 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective August 8, 2009 with the Tremont West Development Corporation for the August Expo Program for the public purpose of providing dancing and cultural education to city of Cleveland residents through the use of Ward 13 Neighborhood Capital 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 177.

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1118-09.

By Council Member Polensek.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Sims Raiders Youth Organization Inc. for Youth Football and Cheerleading Program through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Properties and Recreation is authorized to enter into an agreement with the Sims Raiders Youth Organization Inc., for the Youth Football and Cheerleading Program for the public purpose of providing organized football and cheerleading activities for youth residing in the City of Cleveland through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,500 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 August 5, 2009.
Effective August 13, 2009.

**Ord. No. 1119-09.
By Council Member Westbrook.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Community Housing Solutions for the Furnace Repair Program through the use of Ward 18 Neighborhood Capital Funds.**

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized

to enter into an agreement with Community Housing Solutions for the Furnace Repair Program for the public purpose of providing furnace repair assistance to low and moderate income resident that reside in the City of Cleveland through the use of Ward 18 Neighborhood Capital 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 177.

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

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

Passed August 5, 2009.
Effective August 13, 2009.

Ord. No. 1156-09.

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

An emergency ordinance to amend Section 40 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.

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

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

Section 1. That Section 40 of Ordinance No. 947-08, passed June 9, 2008, is amended to read as follows:

Section 40. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. City Comptroller.....	\$42,758.15	\$133,845.38
2. City Treasurer.....	\$42,758.15	\$123,548.92
3. Chief Technology Officer.....	\$45,000.00	\$150,454.32
4. Commissioner of Accounts.....	\$40,314.82	\$128,214.57
5. Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$128,214.57
6. Commissioner of Air Quality.....	\$42,758.15	\$133,845.38
7. Commissioner of Architecture.....	\$42,758.15	\$143,360.63
8. Commissioner of Assessments and Licenses.....	\$40,314.82	\$118,350.91
9. Commissioner of Burke Airport.....	\$40,314.92	\$118,350.91
10. Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$143,360.63
11. Commissioner of Cleveland Public Power.....	\$45,201.46	\$167,171.47
12. Commissioner of Code Enforcement.....	\$42,758.15	\$133,845.38
13. Commissioner of Construction Permitting.....	\$42,758.15	\$133,845.38
14. Commissioner of Convention Center.....	\$45,201.46	\$126,903.17
15. Commissioner of Emergency Medical Services.....	\$42,758.15	\$133,845.38
16. Commissioner of Engineering and Construction.....	\$45,201.46	\$142,289.43
17. Commissioner of Environment.....	\$42,758.15	\$133,845.38
18. Commissioner of Health.....	\$45,021.46	\$142,289.43
19. Commissioner of House of Corrections.....	\$40,314.82	\$118,231.89
20. Commissioner of Information Technology & Services.....	\$52,734.82	\$142,289.43
21. Commissioner of Motor Vehicle Maintenance.....	\$40,314.82	\$128,214.57
22. Commissioner of Real Estate.....	\$40,314.82	\$118,350.91
23. Commissioner of Neighborhood Services.....	\$42,758.15	\$123,548.92
24. Commissioner of Park Maintenance and Properties.....	\$42,758.15	\$143,360.63
25. Commissioner of Parking Facilities.....	\$40,314.82	\$128,214.57

26.	Commissioner of Printing and Reproduction.....	\$40,314.82	\$128,214.57
27.	Commissioner of Property Management.....	\$45,201.46	\$142,289.43
28.	Commissioner of Purchases and Supplies.....	\$42,758.15	\$123,548.92
29.	Commissioner of Recreation.....	\$42,758.15	\$143,360.63
30.	Commissioner of Research/Planning and Development.....	\$40,314.82	\$128,214.57
31.	Commissioner of Streets.....	\$40,314.82	\$128,214.57
32.	Commissioner of Traffic Engineering.....	\$42,758.15	\$123,548.92
33.	Commissioner of Utilities Engineering.....	\$42,758.15	\$118,350.91
34.	Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$118,350.91
35.	Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$128,214.57
36.	Commissioner of Water.....	\$45,201.46	\$167,171.47
37.	Commissioner of Water Pollution Control.....	\$40,314.82	\$128,214.57
38.	Deputy Director Department of Building and Housing.....	\$36,590.39	\$133,845.38
39.	Director of Workforce Development.....	\$70,000.00	\$160,000.00
40.	Income Tax Administrator.....	\$42,758.15	\$133,845.38
41.	Manager of Internal Audit.....	\$40,314.82	\$118,350.91

Section 2. That existing Section 40 of Ordinance No. 947-08, passed June 9, 2008, is amended.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1157-09.

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

An emergency ordinance Approving the terms of the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Security Officers); and amending Section 14 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the terms of the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Security Officers), as contained in the executive summary, placed in File No. 1157-09-A, for the period from April 1, 2007 through March 31, 2010, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

*Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That Section 14 of Ordinance No. 947-08, passed June 9, 2008, is amended to read as follows:

Section 14. Ohio Patrolmen's Benevolent Association. (Security Officers). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Security Officer.....	\$10.80	\$20.29

Section 3. That existing Section 14 of Ordinance No. 947-08, passed June 9, 2008, is repealed.

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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 1159-09.

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

An emergency ordinance to amend Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, relating to applying to the Northeast Ohio Area-wide Coordinating Agency for various infrastructure projects and to authorize other contracting authority to include the East 14th Streetscape to the project list; and to supplement the ordinance by adding new Section 12a. to authorize the Director of Public Service to enter into one or more contracts with URS Corporation to design the improvement.

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

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

Section 1. That Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, are amended to read as follows:

Section 1. That the Director of Public Service is authorized to apply to NOACA to pursue federal ARRA economic assistance, on behalf of the City of Cleveland, for the following projects in the following approximate amounts:

1. The Rehabilitation of Willow Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;

2. The Avenue District, Ph IV: Rehabilitation of E. 12th St. from Superior Ave. to Chester Ave., in the approximate amount of \$800,000;

3. The Rehabilitation of Center Street Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;

4. The Kamms Streetscape Improvement, Ph III: Lorain Ave. from West corporation line to W. 150th Project, in the approximate amount of \$2,200,000;

5. The Rehabilitation of Carter Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;

6. The Rehabilitation and Replacement of Concrete Retaining Walls at Norfolk and Southern Railroad Bridge over Madison Avenue and CSX Railroad Bridge over Nottingham Road, in the approximate amount of \$5,000,000; and

7. The East 14th Street Streetscape Improvement from Prospect Avenue to Euclid Avenue, in the approximate amount of \$2,800,000.

That the Director of Public Service has already received legislative authority to apply to NOACA to pursue federal economic assistance, which now will include federal ARRA funds, for the following projects in the following approximate amounts:

8. The Reconstruction of the "W 77th Street Bridge Project over Norfolk and Southern Railroad and GCRTA", in the approximate amount of \$884,000, as authorized by Ordinance No. 649-87, passed March 30, 1987.

9. The Reconstruction of the "Aetna Road Bridge over CSX Railroad", in the approximate amount of \$592,230, as authorized by Ordinance No. 743-08 passed June 9, 2008.

Section 20. That the cost of any contract or contracts or payments authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, any state or federal funding received under this ordinance, from the fund or funds to which are credited any grant funds or gifts received under this ordinance, and from any other funds that are appropriated for this purpose. (RL 188410)

Section 2. That existing Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, are repealed.

Section 3. That Ordinance No. 319-09, passed March 16, 2009 is supplemented by adding new Section 12a. to read as follows:

Section 12a. That the Director of Public Service is authorized to enter into one or more contracts with URS Corporation for professional services necessary to design the streetscape improvement of East 14th Street as authorized in Section 1 of this ordinance on the basis of its proposal dated July 27, 2009, in the sum not to exceed \$100,000, for the Department of Public Service.

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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 1160-09.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. in connection with the sale of City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. for the sale of

City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, and further described as follows:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "A" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "B" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "D" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 4

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "E" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 5

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and know as being part of Original 100 Acre Lot No. 320 and bounded and described as follows:

Beginning in the centerline of Broadway S.E. at the most Northerly corner of premises conveyed by Theophilus G. Clewell and wife to Lorenz Sanda by deed dated June 5, 1890, and recorded in Volume 475, Page 508 of Cuyahoga County Records;

Thence South 52° West along the Northerly line of said land deeded to Lorenz Sanda 209 feet to the most Westerly corner thereof;

Thence Northwesterly and parallel with the centerline of Broadway S.E. 40 feet;

Thence Northeasterly and parallel with said first described course 209 feet to the centerline of Broadway S.E.;

Thence Southeasterly along the centerline of Broadway S.E. 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described above under the option at a price determined to be fair market value by the Board of Control, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the Option to Purchase Agreement shall be prepared by the Director of Law.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and

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

Section 5. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleve-

land with Fast Track Cycling, Inc., for the acquisition, disposition and private redevelopment of the property described in this ordinance.

Section 6. That the proceeds from the sale of the property shall be deposited into Fund No. 10.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1162-09.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Friends of E Prep Schools to encroach into the public right-of-way above Superior Avenue and East 36th Street with 15 banners to be attached to Cleveland Public Power and First Energy utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Friends of E Prep Schools ("Permittee"), 1417 East 36th Street, Cleveland, Ohio 44114, to encroach into the public right-of-way above Superior Avenue and East 36th Street by installing, using, and maintaining 15 banners to be attached to Cleveland Public Power and First Energy utility poles (by separate permission) at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
North side of Superior Ave.		
1st pole east of E. 36th St.	A6-29	CPP
2nd pole east of E. 36th St.	No Tag	CPP
3rd pole east of E. 36th St.	M16-13	CPP
4th pole east of E. 36th St.	No Tag	CPP
East 36th St. between Superior Ave. and St. Clair Ave. 1st thru 7th pole on east side of street	No Tag	First Energy
South side of St. Clair Ave.		
1st and 2nd pole west of E. 36th St.	No Tag	CPP
1st and 2nd pole east of E. 36th St.	No Tag	CPP

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

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1164-09.**By Council Member Cimperman.****An emergency ordinance authorizing certain persons to engage in peddling in Ward 13 (Timothy Stewart).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 13; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 13: Timothy Stewart

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

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

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1175-09.**By Council Member Brady.****An emergency ordinance amending the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 as it pertains to the Friends of the Historic Variety Theatre Restoration Project through the use of Ward 19 Neighborhood Equity Funds.**

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

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

Section 1. That the Title and Section 1 of Ordinance No. 945-09 passed

July 1, 2009 are hereby amended to read as follows:

Authorizing the Director of the Department of Economic Development to enter into agreement with the Friends of the Historic Variety Theatre for the Historic Variety Theatre Commercial and Residential Restoration Project through the use of Ward 19 Neighborhood Equity Funds.

Section 1. That the Director of the Department of Economic Development is authorized to enter into an agreement with The Friends of the Historic Variety Theatre for the Variety Theatre Commercial and Residential Restoration Project for the public purpose of promoting historic preservation of a historic building and creating low to moderate income housing for city of Cleveland residents through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 are hereby repealed.

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

Passed August 5, 2009.

Effective August 13, 2009.

Ord. No. 1176-09.**By Council Member Dow.****An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Famicos Foundation for the League Park Chargers Football 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 Parks, Recreation and Properties is hereby authorized to enter into an agreement with Famicos Foundation for the League Park Chargers Football Program for the public purpose of providing organized youth sports football activities for city of Cleveland youth 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 \$4,650 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 August 5, 2009.

Effective August 13, 2009.

Ord. No. 1177-09.**By Council Member Westbrook.****An emergency ordinance authorizing the Director of Community Development to enter into agreement with Park Works for the Park Arts Program through the use of Ward 18 Neighborhood Capital Funds.**

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective July 8, 2009 with Park Works for the Park Arts Program for the public purpose of providing art and recreational education for Cleveland residents through the use of Ward 18 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 177.

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

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

Passed August 5, 2009.

Effective August 13, 2009.

**COUNCIL COMMITTEE
MEETINGS**

NO MEETINGS

Index

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

Aging Department

Community Bridge Building Program — agreement — William E. Sanders Family Life Center
 (Ward 01 NEF) (O 1082-09)..... **1651**

Agreements

Amend Sect. 1 of Ord. No. 737-09 — Scoop on Summer Program — Neighborhood Leadership
 Institute (Ward 11 NEF) (O 1080-09) **1651**
 Amend Sect. 1 of Ord. No. 947-09 — Summer Music Camp Program — Slavic Village Development
 Corp. (Ward 12 NCF) (O 1077-09)..... **1650**
 Amend Sect. 2 of Ord. No. 801-09 — Garfield Elementary School Mural Program — Young
 Audiences of Northeast Ohio, Inc., (Ward(s) 20 & 21 NEF) (O 1083-09)..... **1652**
 Amend title & Sect. 1 of Ord. No. 945-09 — Variety Theatre Restoration Project — The
 Friends of the Historic Variety Theatre (Ward 19 NEF) (O 1175-09)..... **1658**
 Arts in August Expo Program — Tremont West Development Corporation (Ward 13 NCF)
 (O 1117-09) **1653**
 Clerk of Council — Blue Technologies, Inc. & Hyland Software, Inc. — Legislative Management
 System & Web hosting services — repeal Ord. No. 942-09 (O 1084-09) **1652**
 Community Bridge Building Program — William E. Sanders Family Life Center (Ward 01 NEF)
 (O 1082-09) **1651**
 Community Development — Option to Purchase Agreement with Fast Track Cycling, Inc —
 St. Michael’s Hospital (formerly known) (O 1160-09) **1656**
 Community Information Project — Neighborhood Leadership Institute (Ward 11 NEF)
 (O 1081-09) **1651**
 Fatima Fun and Fitness Program — Catholic Charities Community Services (Ward 7 NEF)
 (O 1079-09) **1651**
 Furnace Repair Program — Community Housing Solutions (Ward 18 NCF) (O 1119-09)..... **1654**
 League Park Chargers Football Program — Famicos Foundation (Ward 07 NEF)
 (O 1176-09) **1658**
 Park Arts Program — Park Works (Ward 18 NCF) (O 1177-09) **1658**
 RHAPSODY Summer Arts Camp — Progressive Arts Alliance (Ward 13 NEF)
 (O 1078-09) **1651**
 Youth Football and Cheerleading Program — Sims Raiders Youth Organization Inc.
 (Ward 11 NEF) (O 1118-09)..... **1653**

Assessment Equalization Board

Appoint assessment board for E. 151st St., Melville Rd., W. 61st St., W. 64th St. & W.
 90 St. — sidewalks, driveway aprons, curbs, castings and landscaping (R 1074-09) **1605**

Banners

Fidelity Baptist Church — East 84th & East 85th and Wade Park — Aug. 1 to Aug. 31 —
 Annual Bazaar — Service Department (Ward 07) (O 1085-09) **1652**
 Union Miles Development Corp. — various locations — July 12 to Aug. 17 — “Union
 Miles Community Expo.” — Service Department (Ward 02) (O 1116-09) **1653**
 Westown Community Development Corp. — Terminal Ave. & West 130th St. —
 Aug. 1 to Aug. 31 — Westpark Community Celebration — Service Department
 (Ward 19) (O 1115-09) **1653**

Board of Zoning Appeals — Report

5300 Lakeshore Avenue, 5300, (Ward 13) — Concord Commerce One LLC, owner —
 appeal granted and adopted on 08/10/2009 (Cal. 09-145)..... 1604
 Broadview Road, 2330, (Ward 15) — Fred Manson, owner — appeal granted and adopted
 on 08/10/2009 (Cal. 09-100) 1604
 Brooklyn Avenue, 4615, (Ward 16) — Tim McNamara, owner appeal granted and adopted
 on 08/10/2009 (Cal. 09-139) 1604
 East 174th Street, 1100, (Ward 11) — Dawn Young, owner — appeal granted and adopted on
 8/17/09 (Cal. 09-65)..... 1604

East 74th Street, 3896-98, (Ward 12) — Joan Walker, owner — appeal heard on 08/17/2009 (Cal. 09-138)	1604
Franklin Boulevard, 5604, (Ward 17) — Darwin McLellan, owner — appeal postponed to 9/8/09 on 8/17/09 (Cal. 09-148)	1604
Harvard Avenue, 14201, (Ward 1) — Ellard Kinney, owner — appeal postponed to 10/5/09 on 8/17/09 (Cal. 09-149)	1604
Hirst Avenue, 11903, (Ward 19) — Edwin Ocasio, owner — appeal withdrawn on 8/17/09 (Cal. 09-143)	1604
Kinsman Road, 14916, (Ward 3) — Riley Dawson, owner — appeal heard on 8/17/09 (Cal. 09-151)	1604
Kinsman Road, 14918, (Ward 3) — Riley Dawson, owner — appeal heard on 8/17/09 (Cal. 09-152)	1604
Meech Avenue, 10409, (PPN 136-10-040), (Ward 2) — Number One Grace Properties LLC, owner — appeal postponed to 10/19/09 on 8/17/09 (Cal. 09-111)	1604
Meech Avenue, 10409, (PPN 136-10-041), (Ward 2) — Number One Grace Properties LLC, owner — appeal postponed to 10/19/09 on 8/17/09 (Cal. 09-112)	1604
Meech Avenue, 10409, (PPN 136-10-042), (Ward 2) — Number One Grace Properties LLC, owner — appeal postponed to 10/19/09 on 8/17/09 (Cal. 09-113)	1604
Old Grayton Road, 4960, (Ward 20) — City of Cleveland, Department of Port Control — appeal granted and adopted on 8/17/09 (Cal. 09-98)	1604
Pearl Road, 4455, (Ward 16) — Matthew Fuchs, owner appeal denied and adopted on 08/17/2009 (Cal. 09-147)	1604
St. Clair Avenue, 3048, (Ward 13) — Guo Zhang-Tang and Fang Liang, owners — appeal heard on 08/17/09 (Cal. 09-137)	1604
Storer Avenue, 5902, (Ward 17) — MSM Family Investments, owner appeal granted and adopted on 08/17/2009 (Cal. 09-116)	1604
West Clinton Avenue, 6104, (Ward 17) — Ian Rosby, owner — appeal heard on 8/17/09 (Cal. 09-144)	1604
Woodland Avenue, 9525, (Ward 6) — Eaton Park Leasing, Inc., owner — appeal postponed to 10/12/09 on 8/17/09 (Cal. 09-29)	1604

Board of Zoning Appeals — Schedule

Eddy Road, 838, (Ward 9) — SIP One, LLC and Najeh Salti, by their attorney, Nate Malek — appeal to be heard on 8/31/09 (Cal. 09-162)	1604
Harvard Avenue, 17426-76, (Ward 1) — B&E Properties and Robert Hunt, owner — appeal to be heard on 8/31/09 (Cal. 09-163)	1604
Invermere Avenue, 16212, (Ward 1) — Amy Hurd, owner — appeal to be heard on 8/31/09 (Cal. 09-159)	1603
West 158th Street, 4716, (Ward 20) — William Dallapiazza, owner — appeal to be heard on 8/31/09 (Cal. 09-161)	1604
Woodland Avenue, 8322, (Ward 5) — Saeid Amini, owner — appeal to be heard on 8/31/09 (Cal. 09-157)	1603

Bridges

Amend Sect(s) 1 & 20 of Ord. No. 319-09 — Include the East 14th Streetscape to the project list (NOACA Project) (O 1159-09)	1656
--	------

Building and Housing Department

Amend Sect(s) 367.03 & 367.07 — Right of Entry and Placards posted on dwelling structures (vacated or condemned) (O 1075-09)	1650
---	------

Building Code

Amend Sect(s) 367.03 & 367.07 — Right of Entry and Placards posted on dwelling structures (vacated or condemned) (O 1075-09)	1650
---	------

Charter

Charter amendment — Section 76 (City Planning Commission) (O 971-09)	1646
---	------

City Council

Clerk of Council — Agreements with Blue Technologies, Inc. & Hyland Software, Inc. — Legislative Management System & Web hosting services — repeal Ord. No. 942-09 (O 1084-09)	1652
--	------

City of Cleveland Bids

Earle B. Turner Recreation Center parking lot improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 690-07 — bid due September 2, 2009 (advertised 8/19/2009 and 8/26/2009) 1605

Outdoor electronic display system purchase — rebid — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 1655-08 — bid due September 16, 2009 (advertised 8/19/2009 and 8/26/2009)..... 1605

Snow removal services — rebid — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 1926-07 — bid due September 25, 2009 (advertised 8/19/2009 and 8/26/2009)..... 1605

Vitrified clay and PVC pipe — Department of Public Utilities — Division of Water Pollution Control — per C.O. Sec. 129.27 — bid due September 10, 2009 (advertised 8/19/2009 and 8/26/2009)..... 1605

City Planning Commission

Amend Sect(s) 1 & 2 of Ord. No. 774-09 — Holmden Ave. (north & south sides) East of West 14th St. — change Use District (Ward 13) (O 1067-09)..... 1648

Charter amendment — Section 76 (City Planning Commission) (O 971-09)

Clark Ave. (south side) — (between W. 13th St. & unnamed alley) — change Use District (Ward 13) (O 972-09) 1647

East 23rd St., East 25th St., East 25th Pl. and Payne Ct. (N.E.) — intention to vacate a portion — Service Department (Ward 13) (R 862-09)..... 1605

Lee Rd. (south of) & Kollin Ave. — change Use District (Ward 01) (O 668-09) 1630

Miles Ave. & Judson Dr. (north side) — change Use District (Ward 01) (O 667-09)..... 1629

Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall — designate as landmark (Ward 16) (O 907-09) 1634

St. Patrick Church, School, Cemetery & Accessory Bldg. (St. Patrick West Park) — designate as landmark (Ward 21) (O 1068-09) 1648

Clerk of Council

Agreements with Blue Technologies, Inc. & Hyland Software, Inc. — Legislative Management System & Web hosting services — repeal Ord. No. 942-09 (O 1084-09)..... 1652

Cleveland Electric Illuminating Company

Superior Ave. & East 36th St. — encroach into right-of-way — 15 banners attached to CPP & First Energy utility poles — Friends of E Prep Schools — Service Dept. (Ward 13) (O 1162-09) 1657

Cleveland Foundation

Public Management Development Program — Grant — Contract with CSU (O 1070-09) 1648

Cleveland Hopkins International Airport

Lease agreement with Bradford Airport Logistics — operate a centralized receiving & distribution center for all concessions operating at CHIA (O 698-09) 1631

Port Control — Lease Agreement with Continental Airlines, Inc for hangar space (O 758-09) 1631

Public improvement contracts for emergency generator power supply at CHIA (O 906-09) 1633

Cleveland Public Power

Utilities Dept. — contracts — labor & materials repair or replace HVAC (O 900-09)..... 1632

Superior Ave. & East 36th St. — encroach into right-of-way — 15 banners attached to CPP & First Energy utility poles — Friends of E Prep Schools — Service Dept. (Ward 13) (O 1162-09) 1657

Cleveland State University

Public Management Development Program — Grant — The Cleveland Foundation — contract (O 1070-09) 1648

Codified Ordinances

Amend Sect(s) 367.03 & 367.07 — Right of Entry and Placards posted on dwelling structures (vacated or condemned) (O 1075-09)	1650
Enact new Sect. 171.391 — Health care benefits for surviving spouse & dependents of employees killed in the line of duty (O 879-09)	1632
Repeal Sect(s) 227.01 through 227.25, 227.99 — Day Cares revision (O 924-09)	1637

Collective Bargaining Agreements

Amend Sect. 14 of Ord. No. 947-08 — 2009 Collective Bargaining Agreement for OPBA (Security Officers) — Payband Section # 9 (O 1157-09)	1655
--	------

Community Development Department

Amend Sect. 1 of Ord. No. 737-09 — Scoop on Summer Program — agreement — Neighborhood Leadership Institute (Ward 11 NEF) (O 1080-09)	1651
Amend Sect. 2 of Ord. No. 801-09 — Garfield Elementary School Mural Program — agreement — Young Audiences of Northeast Ohio, Inc., (Ward(s) 20 & 21 NEF) (O 1083-09)	1652
Arts in August Expo Program — agreement — Tremont West Development Corporation (Ward 13 NCF) (O 1117-09)	1653
Community Information Project — agreement — Neighborhood Leadership Institute (Ward 11 NEF) (O 1081-09)	1651
Furnace Repair Program — agreement — Community Housing Solutions (Ward 18 NCF) (O 1119-09)	1654
Option to Purchase Agreement with Fast Track Cycling, Inc — St. Michael's Hospital (formerly known) (O 1160-09)	1656
Park Arts Program — agreement — Park Works (Ward 18 NCF) (O 1177-09)	1658
RHAPSODY Summer Arts Camp — agreement — Progressive Arts Alliance (Ward 13 NEF) (O 1078-09)	1651

Contracts

Amend Sect. 7 of Ord. No. 725-09 — implement records management system (O 1072-09)	1649
McKnight Associates Ltd. to design revisions to Zone Recreation Center Master Plan (O 910-09)	1635
National Economic Research Associates, Inc — To develop, conduct, and interpret a disparity study (O 1073-09)	1649
Port Control — for safe deicing fluid disposal (O 762-09)	1632
Public improvement contracts for emergency generator power supply at CHIA (O 906-09)	1633
Public Management Development Program — Grant — The Cleveland Foundation — CSU (O 1070-09)	1648
Redevelop and Lease of Aviation High School (O 964-09)	1645
Utilities Dept. — labor & materials repair or replace HVAC (O 900-09)	1632

Economic Development Department

Amend title & Sect. 1 of Ord. No. 945-09 — Variety Theatre Restoration Project — agreement — The Friends of the Historic Variety Theatre (Ward 19 NEF) (O 1175-09)	1658
---	------

Encroachments

Superior Ave. & East 36th St. — right-of-way — 15 banners attached to CPP & First Energy utility poles — Friends of E Prep Schools — Service Dept. (Ward 13) (O 1162-09)	1657
---	------

Famios Foundation

League Park Chargers Football Program — agreement (Ward 07 NEF) (O 1176-09)	1658
---	------

Grants

2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland" — contracts for police training, driving simulator and police cars (O 908-09)	1635
Byrne Justice Assistance Grant Program, 2009 — U.S. Department of Justice — Safety Department (O 1071-09)	1649
Edward Byrne Memorial Competitive Grant, 2009 (O 909-09)	1635
Gang Resistance Education and Training Program, 2009 — U.S. Department of Justice (O 917-09)	1635

Paul Coverdell Forensic Science Improvement Grant, 2009 — U.S. Department of Justice
(O 919-09) 1636

Public Management Development Program — The Cleveland Foundation — Contract with CSU
(O 1070-09) 1648

Special Ohio Drug Use Prevention Grant (O 918-09)..... 1636

State Byrne Memorial Justice Assistance Grant, 2009 (O 923-09)..... 1636

Greater Cleveland Regional Transit Authority (GCRTA)

RTA Community Circulators(R 1107-09) 1613

Health Care Coverage

Enact new Sect. 171.391 — Health care benefits for surviving spouse & dependents of
employees killed in the line of duty (O 879-09)..... 1632

Health Department

Repeal Sect(s) 227.01 through 227.25, 227.99 — Day Cares revision (O 924-09) 1637

Landmarks Commission

Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall — designate as landmark —
City Planning Commission (Ward 16) (O 907-09)..... 1634

St. Patrick Church, School, Cemetery & Accessory Bldg. (St. Patrick West Park) — designate
as landmark — City Planning Commission (Ward 21) (O 1068-09) 1648

Leases Agreement

Bradford Airport Logistics — operate a centralized receiving & distribution center for
all concessions operating at CHIA (O 698-09)..... 1631

Port Control — Continental Airlines, Inc for hangar space (O 758-09)..... 1631

Liquor Permits

Broadview Rd., 2145 — withdraw objection to transfer of ownership — repeal Res. 793-09
(Ward 15) (R 1093-09) 1608

Broadview Rd., 3314 (1st fl. & bsmt.) — objection to renewal (Ward 15) (R 1170-09) 1627

Broadview Rd., 4450-52 — objection to renewal (Ward 16) (R 1095-09) 1608

Broadway Ave., 4643 — objection to renewal (Ward 05) (R 1168-09) 1626

Broadway Ave., 5474 — objection to issuance — liquor permits (Ward 05) (R 1092-09) 1608

Broadway Ave., 6410 — objection to issuance (Ward 12) (R 1120-09)..... 1614

Buckeye Rd., 10008 — objection to renewal (Ward 04) (R 1135-09)..... 1618

Buckeye Rd., 11132 — objection to renewal (Ward 04) (R 1136-09)..... 1619

Buckeye Rd., 8805 — objection to renewal (Ward 04) (R 1134-09)..... 1618

Cedar Ave., 2747 (1st. fl. & bsmt.) — objection to renewal (Ward 05) (R 1167-09) 1626

Cedar Ave., 7002 — objection to renewal (Ward 05) (R 1129-09) 1616

Cedar Ave., 7002 — withdraw objection to transfer of ownership — repeal Res. 460-09
(Ward 05) (R 1174-09) 1628

Central Ave., 3337 — objection to renewal (Ward 05) (R 1130-09)..... 1617

Clark Ave., 3226 — objection to renewal (Ward 14) (R 1149-09) 1623

Coltman Rd., 1931 (1st fl.) — objection to renewal (Ward 06) (R 1132-09) 1617

Corlett Ave., 12401 — objection to renewal (Ward 02) (R 1151-09) 1624

Denison Ave., 6501 — objection to renewal (Ward 16) (R 1096-09) 1609

Dolloff Rd., 5351-53 — objection to renewal (Ward 05) (R 1131-09)..... 1617

East 116th St., 3019 — objection to renewal (Ward 04) (R 1138-09)..... 1619

East 131st St., 4005-07 — objection to renewal (Ward 03) (R 1144-09)..... 1621

East 140th St., 625 — objection to renewal (Ward 10) (R 1101-09)..... 1610

East 144th St., 3744 (1st. fl.) — objection to renewal (Ward 03) (R 1145-09) 1622

East 152nd St., 552 — objection to transfer of ownership (Ward 10) (R 1103-09) 1611

East 156th St., 383 — objection to renewal (Ward 11) (R 1140-09)..... 1620

East 65th St., 3614 — objection to renewal (Ward 12) (R 1121-09)..... 1614

East 71st St., 4233-35 (1st. fl. & bsmt.) — objection to renewal (Ward 12) (R 1122-09) 1614

East 79th St., 3135 — objection to renewal (Ward 05) (R 1169-09)..... 1627

East 93rd St., 3230 — objection to renewal (Ward 04) (R 1137-09)..... 1619

East 93rd St., 3363 — objection to renewal (Ward 05) (R 1133-09)..... 1618

East 93rd St., 3831 — objection to renewal (Ward 02) (R 1105-09)..... 1612

Elm St., 2325 — objection to renewal (Ward 13) (R 1089-09) 1607

Euclid Ave., 18029 — objection to renewal (Ward 10) (R 1165-09) 1625

Fleet Ave., 6101 — objection to renewal (Ward 12) (R 1123-09).....	1614
Kinsman Rd., 12802 (1st fl. & bsmt.) — objection to renewal (Ward 03) (R 1163-09).....	1625
Kinsman Rd., 14300 (1st fl. & bsmt.) — objection to renewal (Ward 03) (R 1146-09).....	1622
Kinsman Rd., 9203 — objection to renewal (Ward 04) (R 1139-09)	1620
Lakeshore Blvd., 15609 — objection to issuance (Ward 11) (R 1141-09).....	1620
Lakeshore Blvd., 16826 — objection to transfer of ownership (Ward 11) (R 1142-09)	1621
Lakewood Hts. Blvd., 13525 — objection to renewal (Ward 19) (R 1086-09)	1606
Lorain Ave., 10202 — withdraw objection to transfer of ownership — repeal Res. 929-09 (Ward 19) (R 1087-09).....	1606
Lorain Ave., 13712 — objection to issuance (Ward 20) (R 1154-09)	1624
Lorain Ave., 14910 — objection to renewal (Ward 21) (R 1173-09)	1628
Madison Ave., 8309 (1st & 2nd fls.) — objection to renewal (Ward 17) (R 1172-09).....	1628
Memphis Ave., 5714 — objection to transfer of ownership (Ward 16) (R 1097-09)	1609
Miles Ave., 11334 — objection to transfer of ownership (Ward 02) (R 1106-09)	1612
Miles Ave., 11609 — objection to renewal (Ward 02) (R 1153-09).....	1624
Miles Ave., 9305 — objection to renewal (Ward 02) (R 1152-09).....	1624
Old River Rd., 1204 (mezzanine & patios) — objection to renewal (Ward 13) (R 1125-09).....	1615
Prospect Ave., 618 (2nd fl. only) — objection to renewal (Ward 13) (R 1126-09)	1615
St. Clair Ave., 12515-19 — objection to renewal (Ward 10) (R 1166-09).....	1626
St. Clair Ave., 18506 — objection to renewal (Ward 11) (R 1143-09)	1621
State Rd., 4380 — objection to issuance (Ward 16) (R 1098-09)	1609
State Rd., 4693 — objection to renewal (Ward 16) (R 1099-09).....	1610
State Rd., 4716 — objection to renewal (Ward 16) (R 1100-09).....	1610
Superior Ave., 11139-43 — objection to renewal (Ward 09) (R 1171-09)	1627
Superior Ave., 7017-19 (1st & 2nd fl.) — objection to renewal (Ward 07) (R 1094-09)	1608
Union Ave., 10300 — objection to renewal (Ward 03) (R 1147-09)	1622
Union Ave., 12408 — objection to renewal (Ward 03) (R 1148-09)	1623
Warner Rd., 4324 — objection to renewal (Ward 12) (R 1124-09)	1615
West 117th St., 3065 — withdraw objection to transfer of ownership — repeal Res. 930-09 (Ward 19) (R 1088-09)	1606
West 130th St., 4281 — objection to issuance (Ward 19) (R 1102-09).....	1611
West 14th St., 3146 — objection to renewal (Ward 13) (R 1090-09)	1607
West 25th St., 1616 — objection to renewal (Ward 13) (R 1128-09)	1616
West 25th St., 2132 (1st fl.) — objection to renewal (Ward 13) (R 1091-09)	1607
West 44th St., 3382 — objection to renewal (Ward 14) (R 1150-09)	1623
West 9th St., 1382 (Suite 100 & patio & 1st fl.) — objection to renewal (Ward 13) (R 1127-09).....	1616
Woodhill Ave., 2603 — objection to renewal (Ward 06) (R 1161-09)	1625
Woodhill Rd., 2623 (1st fl.) — objection to renewal (Ward 06) (R 1104-09).....	1611

Neighborhood Equity Funds

Amend Sect. 1 of Ord. No. 737-09 — Scoop on Summer Program — agreement — Neighborhood Leadership Institute (Ward 11 NEF) (O 1080-09).....	1651
Amend Sect. 2 of Ord. No. 801-09 — Garfield Elementary School Mural Program — agreement — Young Audiences of Northeast Ohio, Inc., (Ward(s) 20 & 21 NEF) (O 1083-09)	1652
Amend title & Sect. 1 of Ord. No. 945-09 — Variety Theatre Restoration Project — agreement — The Friends of the Historic Variety Theatre (Ward 19 NEF) (O 1175-09)	1658
Community Bridge Building Program — agreement — William E. Sanders Family Life Center (Ward 01 NEF) (O 1082-09).....	1651
Community Information Project — agreement — Neighborhood Leadership Institute (Ward 11 NEF) (O 1081-09)	1651
Fatima Fun and Fitness Program — agreement — Catholic Charities Community Services (Ward 7 NEF) (O 1079-09).....	1651
League Park Chargers Football Program — agreement — Famicos Foundation (Ward 07 NEF) (O 1176-09)	1658
RHAPSODY Summer Arts Camp — agreement — Progressive Arts Alliance (Ward 13 NEF) (O 1078-09)	1651
Youth Football and Cheerleading Program — agreement — Sims Raiders Youth Organization Inc. (Ward 11 NEF) (O 1118-09).....	1653

Northeast Ohio Areawide Coordinating Agency

Amend Sect(s) 1 & 20 of Ord. No. 319-09 — Include the East 14th Streetscape to the project list (NOACA Project) (O 1159-09)	1656
--	------

Office of Equal Opportunity

National Economic Research Associates, Inc — contracts — To develop, conduct, and interpret a disparity study (O 1073-09)	1649
--	------

Ohio, State of

Amend Sect(s) 1 & 20 of Ord. No. 319-09 — Include the East 14th Streetscape to the project list (NOACA Project) (O 1159-09) 1656

Parks, Recreation and Properties Department

Contracts with McKnight Associates Ltd. to design revisions to Zone Recreation Center Master Plan (O 910-09) 1635
 Fatima Fun and Fitness Program — agreement — Catholic Charities Community Services (Ward 7 NEF) (O 1079-09)..... 1651
 League Park Chargers Football Program — agreement — Famicos Foundation (Ward 07 NEF) (O 1176-09) 1658
 Youth Football and Cheerleading Program — agreement — Sims Raiders Youth Organization Inc. (Ward 11 NEF) (O 1118-09)..... 1653

Peddlers

Amend Sect(s) 675.01 & 675.04 — Peddling conducted door-to-door
 Dimarhos, John G. — Temporary Sidewalk Occupancy Permit — 3301 Payne Avenue (Ward 13) (O 1110-09) 1652

Permits

Dimarhos, John G. — Temporary Sidewalk Occupancy Permit — 3301 Payne Avenue (Ward 13) (O 1110-09) 1652

Personnel and Human Resources Department

Amend Sect. 14 of Ord. No. 947-08 — 2009 Collective Bargaining Agreement for OPBA (Security Officers) — Payband Section 9 (O 1157-09) 1655
 Amend Sect. 40 of Ord. No. 947-08 — compensation for various classifications (Workforce Development) (O 1156-09)..... 1654
 Enact new Sect. 171.391 — Health care benefits for surviving spouse & dependents of employees killed in the line of duty (O 879-09)..... 1632

Port Control Department

Contract — for safe deicing fluid disposal (O 762-09) 1632
 Lease agreement with Bradford Airport Logistics — operate a centralized receiving & distribution center for all concessions operating at CHIA (O 698-09) 1631
 Lease Agreement with Continental Airlines, Inc for hangar space (O 758-09) 1631
 Redevelop and Lease of Aviation High School (O 964-09)..... 1645

Professional Services

Amend Sect. 7 of Ord. No. 725-09 — implement records management system (O 1072-09) 1649
 Clerk of Council — Agreements with Blue Technologies, Inc. & Hyland Software, Inc. — Legislative Management System & Web hosting services — repeal Ord. No. 942-09 (O 1084-09) 1652
 Contracts with McKnight Associates Ltd. to design revisions to Zone Recreation Center Master Plan (O 910-09) 1635
 National Economic Research Associates, Inc — contracts — To develop, conduct, and interpret a disparity study (O 1073-09) 1649
 Public improvement contracts for emergency generator power supply at CHIA (O 906-09) 1633
 Redevelop and Lease of Aviation High School (O 964-09)..... 1645
 State Byrne Memorial Justice Assistance Grant, 2009 (O 923-09)..... 1636
 Utilities Dept. — analysis of service, rate and fees for water and sewer for the years 2011 through 2015 (O 753-09)..... 1631

Project Agreements

Amend Sect(s) 1 & 20 of Ord. No. 319-09 — Include the East 14th Streetscape to the project list (NOACA Project) (O 1159-09) 1656

Public Improvement

Contracts for emergency generator power supply at CHIA (O 906-09).....	1633
Redevelop and Lease of Aviation High School (O 964-09).....	1645

Public Utilities Department

Contracts — labor & materials repair or replace HVAC (O 900-09).....	1632
Participate in Doan Brook Watershed Partnership (O 902-09)	1633

Purchase and Supplies Division

Community Development — Option to Purchase Agreement with Fast Track Cycling, Inc — St. Michael's Hospital (formerly known) (O 1160-09)	1656
--	------

Resolution- Miscellaneous

Beachland Station Post Office (R 1108-09).....	1613
Dunham Tavern Museum Expansion and Preservation Project (R 1109-09).....	1613
RTA Community Circulators (R 1107-09).....	1613

Resolution of Support

Beachland Station Post Office (R 1108-09).....	1613
Dunham Tavern Museum Expansion and Preservation Project (R 1109-09).....	1613
RTA Community Circulators (R 1107-09).....	1613

Safety Department

2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland" — contracts for police training, driving simulator and police cars (O 908-09)	1635
Amend Sect(s) 367.03 & 367.07 — Right of Entry and Placards posted on dwelling structures (vacated or condemned) (O 1075-09).....	1650
Amend Sect. 7 of Ord. No. 725-09 — implement records management system (O 1072-09)	1649
Byrne Justice Assistance Grant Program, 2009 — Grant — U.S. Department of Justice (O 1071-09)	1649
Edward Byrne Memorial Competitive Grant, 2009 (O 909-09).....	1635
Gang Resistance Education and Training Program, 2009 — Grants — U.S. Department of Justice (O 917-09)	1635
Paul Coverdell Forensic Science Improvement Grant, 2009 — Grants — U.S. Department of Justice (O 919-09).....	1636
Special Ohio Drug Use Prevention Grant (O 918-09).....	1636
State Byrne Memorial Justice Assistance Grant, 2009 (O 923-09).....	1636

Salaries

Amend Sect. 40 of Ord. No. 947-08 — compensation for various classifications (Workforce Development) (O 1156-09).....	1654
Amend Sect. 14 of Ord. No. 947-08 — 2009 Collective Bargaining Agreement for OPBA (Security Officers) — Payband Section 9 (O 1157-09)	1655

Service Department

Amend Sect(s) 1 & 20 of Ord. No. 319-09 — Include the East 14th Streetscape to the project list (NOACA Project) (O 1159-09)	1656
Appoint assessment board for E. 151st St., Melville Rd., W. 61st St., W. 64th St. & W. 90 St. — sidewalks, driveway aprons, curbs, castings and landscaping (R 1074-09).....	1605
East 23rd St., East 25th St., East 25th Pl. and Payne Ct. (N.E.) — intention to vacate a portion — City Planning Commission (Ward 13) (R 862-09).....	1605
Fidelity Baptist Church — banners — East 84th & East 85th and Wade Park — Aug. 1 to Aug. 31 — Annual Bazaar (Ward 07) (O 1085-09)	1652
Superior Ave. & East 36th St. — encroach into right-of-way — 15 banners attached to CPP & First Energy utility poles — Friends of E Prep Schools (Ward 13) (O 1162-09).....	1657
Union Miles Development Corp. — banners — various locations — July 12 to Aug. 17 — "Union Miles Community Expo." (Ward 02) (O 1116-09).....	1653
Westown Community Development Corp. — banners — Terminal Ave. & West 130th St. — Aug. 1 to Aug. 31 — Westpark Community Celebration (Ward 19) (O 1115-09)	1653

Sidewalks

Appoint assessment board for E. 151st St., Melville Rd., W. 61st St., W. 64th St. & W. 90 St. — driveway aprons, curbs, castings and landscaping (R 1074-09) 1605

Slavic Village Development Corporation

Amend Sect. 1 of Ord. No. 947-09 — Summer Music Camp Program — agreement (Ward 12 NCF) (O 1077-09) 1650

Street- Vacation

East 23rd St., East 25th St., East 25th Pl. and Payne Ct. (N.E.) — intention to vacate a portion — City Planning Commission — Service Department (Ward 13) (R 862-09) 1605

Tremont West Development Corporation

Arts in August Expo Program — agreement (Ward 13 NCF) (O 1117-09) 1653

Union Miles Development Corporation

Banners — various locations — July 12 to Aug. 17 — “Union Miles Community Expo.” — Service Department (Ward 02) (O 1116-09) 1653

Utilities Department

Professional service for analysis of service, rate and fees for water and sewer for the years 2011 through 2015 (O 753-09) 1631
Water treatment plant residuals, hauling and disposal — Water Division (O 901-09) 1633

Ward 01

Community Bridge Building Program — agreement — William E. Sanders Family Life Center (Ward 01 NEF) (O 1082-09) 1651
Lee Rd. (south of) & Kollin Ave. — change Use District — City Planning Commission (O 668-09) 1630
Miles Ave. & Judson Dr (north side) — change Use District — City Planning Commission (O 667-09) 1629

Ward 02

Corlett Ave., 12401 — objection to renewal — liquor permit (R 1151-09) 1624
East 93rd St., 3831 — objection to renewal — liquor permit (R 1105-09)..... 1612
Miles Ave., 11334 — objection to transfer of ownership — liquor permit (R 1106-09) 1612
Miles Ave., 11609 — objection to renewal — liquor permit (R 1153-09)..... 1624
Miles Ave., 9305 — objection to renewal — liquor permit (R 1152-09)..... 1624
Union Miles Development Corp. — banners — various locations — July 12 to Aug. 17 — “Union Miles Community Expo.” — Service Department (O 1116-09)..... 1653

Ward 03

Appoint assessment board for E. 151st St., Melville Rd., W. 61st St., W. 64th St. & W. 90 St. — sidewalks, driveway aprons, curbs, castings and landscaping (R 1074-09) 1605
East 131st St., 4005-07 — objection to renewal — liquor permit (R 1144-09)..... 1621
East 144th St., 3744 (1st. fl.) — objection to renewal — liquor permit (R 1145-09) 1622
Kinsman Rd., 12802 (1st fl. & bsmt.) — objection to renewal — liquor permit (R 1163-09)..... 1625
Kinsman Rd., 14300 (1st fl. & bsmt.) — objection to renewal — liquor permit (R 1146-09)..... 1622
Union Ave., 10300 — objection to renewal — liquor permit (R 1147-09) 1622
Union Ave., 12408 — objection to renewal — liquor permit (R 1148-09) 1623

Ward 04

Buckeye Rd., 8805 — objection to renewal — liquor permit (R 1134-09)..... 1618
Buckeye Rd., 10008 — objection to renewal — liquor permit (R 1135-09)..... 1618
Buckeye Rd., 11132 — objection to renewal — liquor permit (R 1136-09)..... 1619
East 93rd St., 3230 — objection to renewal — liquor permit (R 1137-09)..... 1619
East 116th St., 3019 — objection to renewal — liquor permit (R 1138-09) 1619
Kinsman Rd., 9203 — objection to renewal — liquor permit (R 1139-09) 1620

Ward 05

Broadway Ave., 4643 — objection to renewal — liquor permit (R 1168-09)	1626
Broadway Ave., 5474 — objection to issuance — liquor permit (R 1092-09)	1608
Cedar Ave., 2747 (1st. fl. & bsmt.) — objection to renewal — liquor permit (R 1167-09)	1626
Cedar Ave., 7002 — objection to renewal — liquor permit (R 1129-09)	1616
Cedar Ave., 7002 — withdraw objection to transfer of ownership — repeal Res. 460-09 — liquor permit (R 1174-09)	1628
Central Ave., 3337 — objection to renewal — liquor permit (R 1130-09)	1617
Dolloff Rd., 5351-53 — objection to renewal — liquor permit (R 1131-09)	1617
Dunham Tavern Museum Expansion and Preservation Project (R 1109-09)	1613
East 79th St., 3135 — objection to renewal — liquor permit (R 1169-09)	1627
East 93rd St., 3363 — objection to renewal — liquor permit (R 1133-09)	1618

Ward 06

Coltman Rd., 1931 (1st fl.) — objection to renewal — liquor permit (R 1132-09)	1617
Woodhill Ave., 2603 — objection to renewal — liquor permit (R 1161-09)	1625
Woodhill Rd., 2623 (1st fl.) — objection to renewal — liquor permit (R 1104-09)	1611

Ward 07

Fatima Fun and Fitness Program — agreement — Catholic Charities Community Services (Ward 7 NEF) (O 1079-09)	1651
Fidelity Baptist Church — banners — East 84th & East 85th and Wade Park — Aug. 1 to Aug. 31 — Annual Bazaar — Service Department (O 1085-09)	1652
League Park Chargers Football Program — agreement — Famicos Foundation (Ward 07 NEF) (O 1176-09)	1658
Superior Ave., 7017-19 (1st & 2nd fl.) — objection to renewal — liquor permit (R 1094-09)	1608

Ward 09

Superior Ave., 11139-43 — objection to renewal — liquor permit (R 1171-09)	1627
--	------

Ward 10

East 140th St., 625 — objection to renewal — liquor permit (R 1101-09)	1610
East 152nd St., 552 — objection to transfer of ownership — liquor permit (R 1103-09)	1611
Euclid Ave., 18029 — objection to renewal — liquor permit (R 1165-09)	1625
St. Clair Ave., 12515-19 — objection to renewal — liquor permit (R 1166-09)	1626

Ward 11

Amend Sect. 1 of Ord. No. 737-09 — Scoop on Summer Program — agreement — Neighborhood Leadership Institute (Ward 11 NEF) (O 1080-09)	1651
Appoint assessment board for E. 151st St., Melville Rd., W. 61st St., W. 64th St. & W. 90 St. — sidewalks, driveway aprons, curbs, castings and landscaping (R 1074-09)	1605
Beachland Station Post Office (R 1108-09)	1613
Community Information Project — agreement — Neighborhood Leadership Institute (Ward 11 NEF) (O 1081-09)	1651
East 156th St., 383 — objection to renewal — liquor permit (R 1140-09)	1620
Lakeshore Blvd., 15609 — objection to issuance — liquor permit (R 1141-09)	1620
Lakeshore Blvd., 16826 — objection to transfer of ownership — liquor permit (R 1142-09)	1621
St. Clair Ave., 18506 — objection to renewal — liquor permit (R 1143-09)	1621
Youth Football and Cheerleading Program — agreement — Sims Raiders Youth Organization Inc. (Ward 11 NEF) (O 1118-09)	1653

Ward 12

Amend Sect. 1 of Ord. No. 947-09 — Summer Music Camp Program — agreement — Slavic Village Dev. Corp. (Ward 12 NCF) (O 1077-09)	1650
Broadway Ave., 6410 — objection to issuance — liquor permit (R 1120-09)	1614
East 65th St., 3614 — objection to renewal — liquor permit (R 1121-09)	1614
East 71st St., 4233-35 (1st. fl. & bsmt.) — objection to renewal — liquor permit (R 1122-09)	1614
Fleet Ave., 6101 — objection to renewal — liquor permit (R 1123-09)	1614
Warner Rd., 4324 — objection to renewal — liquor permit (R 1124-09)	1615

Ward 13

Amend Sect(s) 1 & 2 of Ord. No. 774-09 — Holmden Ave. (north & south sides)
 East of West 14th St. — change Use District — City Planning Commission
 (O 1067-09) **1648**

Arts in August Expo Program — agreement — Tremont West Development Corporation
 (Ward 13 NCF) (O 1117-09)..... **1653**

Clark Ave. (south side) — (between W. 13th St. & unnamed alley) — change Use District —
 City Planning Commission (O 972-09) **1647**

Dimarhos, John G. — Temporary Sidewalk Occupancy Permit — 3301 Payne Avenue
 (O 1110-09) **1652**

East 23rd St., East 25th St., East 25th Pl. and Payne Ct. (N.E.) — intention to vacate
 a portion — City Planning Commission — Service Department (R 862-09)..... **1605**

Elm St., 2325 — objection to renewal — liquor permit (R 1089-09) **1607**

Old River Rd., 1204 (mezzanine & patios) — objection to renewal — liquor permit
 (R 1125-09) **1615**

Prospect Ave., 618 (2nd fl. only) — objection to renewal — liquor permit (R 1126-09) **1615**

RHAPSODY Summer Arts Camp — agreement — Progressive Arts Alliance (Ward 13 NEF)
 (O 1078-09) **1651**

Stewart, Timothy — peddling (O 1164-09) **1658**

Superior Ave. & East 36th St. — encroach into right-of-way — 15 banners attached to CPP
 & First Energy utility poles — Friends of E Prep Schools — Service Dept.
 (O 1162-09) **1657**

West 14th St., 3146 — objection to renewal — liquor permit (R 1090-09) **1607**

West 25th St., 1616 — objection to renewal — liquor permit (R 1128-09) **1616**

West 25th St., 2132 (1st. fl.) — objection to renewal — liquor permit (R 1091-09),..... **1607**

West 9th St., 1382 (Suite 100 & patio & 1st fl.) — objection to renewal — liquor permit
 (R 1127-09) **1616**

Ward 14

Clark Ave., 3226 — objection to renewal — liquor permit (R 1149-09) **1623**

West 44th St., 3382 — objection to renewal — liquor permit (R 1150-09) **1623**

Ward 15

Broadview Rd., 2145 — withdraw objection to transfer of ownership — repeal Res. 793-09 —
 liquor permit (R 1093-09) **1608**

Broadview Rd., 3314 (1st fl. & bsmt.) — objection to renewal — liquor permit (R 1170-09) **1627**

Ward 16

Broadview Rd., 4450-52 — objection to renewal — liquor permit (R 1095-09) **1608**

Denison Ave., 6501 — objection to renewal — liquor permit (R 1096-09) **1609**

Memphis Ave., 5714 — objection to transfer of ownership — liquor permit (R 1097-09) **1609**

Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall — designate as landmark —
 City Planning Commission (O 907-09) **1634**

State Rd., 4380 — objection to issuance — liquor permit (R 1098-09) **1609**

State Rd., 4693 — objection to renewal — liquor permit (R 1099-09)..... **1610**

State Rd., 4716 — objection to renewal — liquor permit (R 1100-09)..... **1610**

Ward 17

Appoint assessment board for E. 151st St., Melville Rd., W. 61st St., W. 64th St. & W.
 90 St. — sidewalks, driveway aprons, curbs, castings and landscaping
 (R 1074-09) **1605**

Madison Ave., 8309 (1st & 2nd fls.) — objection to renewal — liquor permit
 (R 1172-09) **1628**

Ward 18

Appoint assessment board for E. 151st St., Melville Rd., W. 61st St., W. 64th St. & W.
 90 St. — sidewalks, driveway aprons, curbs, castings and landscaping
 (R 1074-09) **1605**

Furnace Repair Program — agreement — Community Housing Solutions (Ward 18 NCF)
 (O 1119-09) **1654**

Park Arts Program — agreement — Park Works (Ward 18 NCF) (O 1177-09)..... **1658**

Ward 19

Amend title & Sect. 1 of Ord. No. 945-09 — Variety Theatre Restoration Project — agreement — The Friends of the Historic Variety Theatre (Ward 19 NEF) (O 1175-09)	1658
Lakewood Hts. Blvd., 13525 — objection to renewal — liquor permits (R 1086-09)	1606
Lorain Ave., 10202 — withdraw objection to transfer of ownership — repeal Res. 929-09 — liquor permit (R 1087-09)	1606
West 117th St., 3065 — withdraw objection to transfer of ownership — repeal Res. 930-09 - liquor permit (R 1088-09).....	1606
West 130th St., 4281 — objection to issuance — liquor permit (R 1102-09)	1611
Westown Community Development Corp. — banners — Terminal Ave. & West 130th St. — Aug. 1 to Aug. 31 — Westpark Community Celebration — Service Department (O 1115-09)	1653

Ward 20

Amend Sect. 2 of Ord. No. 801-09 — Garfield Elementary School Mural Program — agreement — Young Audiences of Northeast Ohio, Inc., (Ward(s) 20 & 21 NEF) (O 1083-09)	1652
Lorain Ave., 13712 — objection to issuance — liquor permit (R 1154-09)	1624

Ward 21

Amend Sect. 2 of Ord. No. 801-09 — Garfield Elementary School Mural Program — agreement — Young Audiences of Northeast Ohio, Inc., (Ward(s) 20 & 21 NEF) (O 1083-09)	1652
Lorain Ave., 14910 — objection to renewal — liquor permit (R 1173-09)	1628
St. Patrick Church, School, Cemetery & Accessory Bldg. (St. Patrick West Park) — designate as landmark — City Planning Commission (O 1068-09)	1648

Water Division of the Department of Public Utilities

Utilities Dept. — professional service for analysis of service, rate and fees for water and sewer for the years 2011 through 2015 (O 753-09)	1631
Utilities Dept. — contracts — labor & materials repair or replace HVAC (O 900-09)	1632
Water treatment plant residuals, hauling and disposal (O 901-09)	1633

Water Pollution Control Division

Utilities Dept. — professional service for analysis of service, rate and fees for water and sewer for the years 2011 through 2015 (O 753-09)	1631
Utilities Dept. — contracts — labor & materials repair or replace HVAC (O 900-09)	1632

Zoning

Amend Sect(s) 1 & 2 of Ord. No. 774-09 — Holmden Ave. (north & south sides) East of West 14th St. — change Use District — City Planning Commission (Ward 13) (O 1067-09)	1648
Clark Ave. (south side) — (between W. 13th St. & unnamed alley) — change Use District — City Planning Commission (Ward 13) (O 972-09).....	1647
Lee Rd. (south of) & Kollin Ave. — change Use District — City Planning Commission (Ward 01) (O 668-09)	1630
Miles Ave. & Judson Dr. (north side) — change Use District — City Planning Commission (Ward 01) (O 667-09)	1629