

The City Record

Official Publication of the Council of the City of Cleveland



October the Twentieth, Two Thousand and Ten

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director
Cleveland Convention Center, Clubroom A, 1220 East 6th Street

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

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

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

The City Record

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Vol. 97

WEDNESDAY, OCTOBER 20, 2010

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CITY COUNCIL

MONDAY, OCTOBER 18, 2010

The City Record
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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, October 18, 2010

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

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

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

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Bobby Laster, of New Life Missionary Baptist Church, 13905 Diana Street, Cleveland, Ohio 44110, located in Ward 9. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1382-10.
From Chief of Government Affairs — Oil and Natural Gas Law Change — Senate Bill 165 and notification of

Public Meeting Required by Political Subdivisions — Ohio Department of Natural Resources. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1383-10.
Re: #4685380 — C1, C2 Transfer of Ownership Application — Kitt, LLC, 4005-07 East 131st Street. (Ward 2). Received.

File No. 1384-10.
Re: #4220470 — C1, C2 Transfer of Ownership Application — Jai Hari, LLC., d.b.a. Simply Food at Reserve Square, 1701 East 12th Street, 1st floor Suite R120 and Suite R115. (Ward 3). Received.

File No. 1385-10.
Re: #1841958 — C2, C2X Transfer of Ownership Application — Crystalluks W 117, Inc., 3654 West 117th Street. (Ward 17). Received.

OATH OF OFFICE

File No. 1386-10.
Lisa D. Marion — Director, Department of Personnel and Human Resources. Received.

STATEMENT OF FINAL ACCEPTANCE

File No. 1387-10.
From Director of Parks, Recreation and Properties — Contract No. 69342 with Petty Group, LLC for the improvement of Lowe Park Aquatic Spray Pad Improvements, Ward 13 Received.

File No. 1388-10.
From Director of Parks, Recreation and Properties — Contract No. 68874 with Northeast Ohio Trenching Services the improvement of Cleveland Memorial Gardens Suite Improvements, Phase 2A. Received.

File No. 1389-10.
From Director of Public Service — Contract No. 69572 with Ram Construction Services for the improvement Cleveland Browns Stadium — Structural Repairs (Phase 2) Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1380-10—John H. Bustamante.

Res. No. 1390-10—Wilbert Sylvester Burks.

Res. No. 1391-10—Deacon Earnest Walker.

Res. No. 1392-10—Samuel T. Robinson, Jr.

Res. No. 1393-10—Sylura Harris Barrow.

CONGRATULATION RESOLUTIONS

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

- Res. No. 1394-10**—John Corlett.
Res. No. 1395-10—Dr. Jes Sellers, Ph. D.
Res. No. 1396-10—Leslye M. Huff.
Res. No. 1397-10—Rev. Donald F. King.
Res. No. 1398-10—Jeff Ramsey.
Res. No. 1399-10—Patrol Officer Eddie Rimmer, Badge #892.
Res. No. 1400-10—Patrol Officer Timothy Brown, Badge #453.
Res. No. 1401-10—Patrol Officer Richard B. Campbell, Badge #2338.
Res. No. 1402-10—Gerald McCully.
Res. No. 1403-10—Kathleen Davis.
Res. No. 1404-10—Sgt. Gary Kane, Badge #9946.
Res. No. 1405-10—Norma Herr Women's Center.
Res. No. 1406-10—Famicos Foundation - 40th Anniversary.
Res. No. 1407-10—Rev. Roland A. Crowder - 45th Anniversary.

RESOLUTIONS OF RECOGNITION

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

- Res. No. 1408-10**—Thomas E. Perez.
Res. No. 1409-10—Steven M. Dettelbach.
Res. No. 1410-10—32 Masons of the Ancient & Accepted Scottish Rite, Valley of Cleveland.
Res. No. 1411-10—ESOP (Empowering & Strengthening Ohio's People).

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1349-10.
By Council Member Sweeney (by departmental request).

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

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

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

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

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

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

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

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

Ord. No. 1350-10.
By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of three years, with two one-year options to renew, of the necessary items of hardware and software, including printers, ancillary accessories, parts, supplies, peripheral devices, and labor and materials for installation if necessary, and maintenance, support, and training, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Finance without the necessity of obtaining additional authority of this Council.

Section 2. That the costs of the contract or contracts shall be charged against the proper appro-

priation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 1511 RL 2010-52)

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

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

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

Ord. No. 1351-10.
By Council Members Keane and Sweeney (by departmental request).

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

Whereas, under the authority of Section 183.16 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control entered into a Use Agreement with Sensis Corporation granting access to portions of Cleveland Hopkins International Airport and Burke Lakefront Airport to conduct research relating to the Next Generation Air Traffic System ("NGATS"); and

Whereas, ITT Corporation operated under the Sensis Corporation as a sublessee to develop requirements and solutions for a new airport surface wireless networking standard called AeroMACS; and

Whereas, Sensis Corporation has decided to remove their aircraft surveillance equipment from the testbed; and

Whereas, a license agreement with ITT corporation will allow the research effort to continue without interruption for the duration of the research effort; and

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

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

Section 1. That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a license agreement with ITT Corporation granting access to portions of Cleveland Hopkins International Airport and Burke Lakefront Airport for the purpose of installing, operating, maintaining, repairing, and replacing equipment to conduct research relating to Next Generation Air Traffic System (NGATS).

Section 2. That the term of the license agreement shall be for a period of two years, with a two-year option to renew, exercisable by the Director of Port Control.

Section 3. That the license agreement shall be at no cost to either party and may include reasonable right of entry rights to the City.

Section 4. That the license agreement shall be prepared by the Director of Law.

Section 5. That the Director of Port Control and the Director of Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the license agreement authorized by this ordinance.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 1352-10.

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 69549 for the lower level roadway rehabilitation project with Independence Excavating, Inc., for the Department of Port Control.

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 the following alterations and modifications in Contract No. 69549 with Independence Excavating, Inc., for the lower level roadway rehabilitation project, for the Department of Port Control:

Subsidiary Additions

Electrical Scope: Disconnect all power to light fixtures; remove 102 light fixtures; disconnect and re-install 29 speakers; re-support 7 fire alarm devices per code; re-support 10 camera per code; temporary lighting; 48 type A light fixtures, 64 type B light fixtures; type C light fixtures, 1 type-D light fixtures (track, accessories, supports and 49 heads); lighting control tie into existing contractors; and conduit, supports and wire to re-feet lighting per code \$152,000.00

Carpentry Scope: Install and remove 2 visqueen partition walls; install new drywall ceilings and soffits; paint new drywall ceilings and soffits; install new grid and metal pan ceiling with fleece backing; install new grid and standard ACT; night work at escalators and stairs \$100,850.00

HVAC Scope: Lower and reuse existing linear diffusers \$ 18,250.00
 Subsidiary Additions \$271,100.00

Subsidiary Credits

Contract acoustical ceiling \$ 25,500.00
 Contract electrical work + 9,200.00
 Subsidiary Credits \$ 34,700.00

Subsidiary Additions	\$271,100.00
Subsidiary Credits	- 34,700.00
Total Subsidiary Additions	\$236,400.00

Original Contract Amount	\$ 628,963.50
Total Subsidiary Additions	+ 236,400.00
REVISED CONTRACT AMOUNT	\$ 865,363.50

which alteration has been recommended in writing by the Director of Port Control, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Port Control and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$236,400.00 to be paid from Fund Nos. 60 SF 106, 60 SF 119, 60 SF 121, 60 SF 130, 60 SF 141, and 60 SF 287, Request No. RQS 3001 RL 2010-173.

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

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

Ord. No. 1353-10.

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

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 68421 for the Detroit Avenue streetscape project with Terrace Construction Co., Inc., for the Department of Public Service.

Whereas, Ordinance No. 824-09, passed June 8, 2009, authorized the Director of Public Service to enter into a subsidiary agreement to City Contract No. 68421 with Terrace Construction Co.; and

Whereas, an additional subsidiary agreement is now necessary in order to complete City Contract No. 68421; 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 Service is authorized to make the following alterations and modifications in Contract No. 68421 with Terrace Construction Co., Inc., for the Detroit Avenue streetscape project, for the Department of Public Service:

Subsidiary Additions

1. Bus Pads

Item 202 — pavement removed, as per plan (Roadway) D-15	445 sq.yd. at \$ 9.00	\$ 4,005.00
Item 204 — subgrade compaction	445 sq.yd. at \$.50	222.50
Item 304 — 6: aggregate base	445 sq.yd. at \$5.75	2,558.75
Item 451 — 12" reinforced Portland cement concrete pavement (4 bus pads)	445 sq.yd. at \$72.50	<u>32,262.50</u>
	Bus Pad Subtotal	<u>\$39,048.75</u>

2. Roadway

Item 254 — pavement planning, asphalt concrete (1 1/4")	3,238 sq.yd. at \$2.25	\$ 7,285.50
Item 407 — tack coat	323 gal. at \$2.50	807.50
Item 448 — 1 1/4" asphalt concrete intermediate course, type 1, PG70-22, as per plan (D-29)	3,238 sq.yd. at \$8.50	27,523.00
Item SPE — asphalt rejuvenating agent	3,238 sq.yd. at \$.80	<u>2,590.40</u>
	Roadway Subtotal	<u>\$38,206.40</u>

3. Bus Shelters

Item SPE — foundation installation For bus shelter including rebar, full Box, conduit, ground ROD and LED Lights	1 lump at \$17,531.30	<u>\$17,531.30</u>
	Bus Shelters Subtotal	<u>\$17,531.30</u>

4. Waterwork

Item 638 — fire hydrant adjusted to grade	4 each at \$1,666.00	\$6,664.00
Item 638 — plug and remove existing fire hydrant	3 each at \$2,060.00	6,180.00
Item 638 — remove and install new meter chamber	5 each at \$2,175.00	10,875.00
Item 638 — water valve adjusted to grade (D-39)	38 each at \$265.00	10,070.00
Item 638 — waterwork, misc — meter casting adjusted to grade	7 each at \$306.50	2,145.50
Item 638 — waterwork, misc. — extend connection and provide new service box	10 each at \$809.50	8,095.00
Item 638 — waterwork, misc. — plus abandoned service lateral connection	27 each at \$922.50	24,907.50
Item 638 — lower water service connection, long side	2 each at \$1,864.00	3,728.00
Item 638 — 6" fire hydrant and hydrant assembly	3 each at \$5,685.00	17,055.00
Item 638 — service box adjusted To grade	61 each at \$31.50	<u>1,921.50</u>
	Waterwork Subtotal	<u>\$91,641.50</u>

Bus Pad Subtotal	\$ 39,048.75
Roadway Subtotal	38,206.40
Bus Shelters Subtotal	17,531.30
Waterwork Subtotal	<u>91,641.50</u>
TOTAL SUBSIDIARY ADDITION	\$186,427.95

Original Contract Amount	\$2,817,200.67
Total Subsidiary Additions	<u>+ 186,427.95</u>
REVISED CONTRACT AMOUNT	\$3,003,628.62

which alteration has been recommended in writing by the Director of Public Service, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Service and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$186,427.95 to be paid from Fund Nos. 10 SF 177, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, and 52 SF 001, Request No. RQS 4004, RL 2010-157.

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

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

**Ord. No. 1354-10.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Case Western Reserve University for the 2010 Emergency Management for Higher Education Grant.**

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

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

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

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

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

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

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

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

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

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

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

for the purposes described in the subgrant application for the grant contained in the file described below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$300,000, and

any other funds that may become available during the grant term from the United States Department of Justice, COPS Office, to conduct the 2010 COPS Technology Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application packet for the grant contained in the file described below.

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

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

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

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

Section 5. That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and the cash match.

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

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

Ord. No. 1360-10.

By Council Member Sweeney (by departmental request).

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

Whereas, the City of Cleveland, Ohio, a municipal corporation and political subdivision of the State of Ohio, is authorized under Article XVIII of the Ohio Constitution and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to

the Waterworks System; and (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding obligations issued for that purpose; and

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

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

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

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of public peace, property, health or safety, in that authorizing the issuance and sale of obligations to refund the Outstanding Bonds and the Outstanding Subordinated Notes and authorizing related agreements is necessary to enable the City to respond to market conditions on a timely basis for the benefit of the Waterworks System; now, therefore,

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

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

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

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

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

terms of the Subordinated Refunding Notes, consistent with the requirements of this Ordinance, including, without limitation, Section 18.

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

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

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

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

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

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

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

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

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

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

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

standing in the amount of \$54,735,000), Series S (currently outstanding in the amount of \$26,295,000) and Series T (currently outstanding in the amount of \$83,340,000).

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

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

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

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

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

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

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

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

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

Section 2. Authorization of the Refunding Bonds. This Council authorizes the City to issue the Refunding Bonds in one or more Series for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated portions thereof, to obtain aggregate net present value debt service savings, or to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable debt service structure or more favorable terms under Credit Support Instruments. With respect to Outstanding Revenue Bonds that are short-term or variable-rate obligations, this Council authorizes the City to issue Refunding Bonds to refund such Outstanding Revenue Bonds, or designated portions thereof, for the further purpose that the Director of Finance has determined, based on the written advice of a Financial Advisor, that such Outstanding Revenue Bonds are subjecting the City to undesirably high rates of interest or undesirable fluctuations in rates of interest or risks or expenses associated with Credit Support Instruments that can economically be avoided or mitigated through refunding. The principal amount of each Series of Refunding Bonds is to be the amount set forth

in the Certificate of Award authorized in Section 4 and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds to be refunded by that Series, (ii) to fund any deposit to the Debt Service Reserve Fund required under the Indenture or any special reserve fund for that Series separate from the Debt Service Reserve Fund, (iv) to pay costs of any Credit Support Instruments, (v) to pay any amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 5.

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

Section 3. Variable Rate Refunding Bonds. In the event that a Series of Refunding Bonds bear interest at variable interest rates, then the Director of Finance is authorized to determine the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that Series shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that no variable rate Refunding Bonds may bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate Series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. The Director of Finance shall also designate in the Certificate of Award for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution thereof) the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of each Series of variable rate Refunding Bonds, and from time to time thereafter so long as the variable rate Refunding Bonds of that Series are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers), purchasers of tendered Refunding Bonds, and oth-

ers as may be determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Refunding Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Refunding Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Refunding Bonds as provided in Section 9. The Director of Finance is authorized to pay any fees associated with agreements entered into or terminated pursuant to this Section from proceeds of Refunding Bonds, to the extent permitted by the Indenture, and from the Net Revenues of the Utility.

Section 4. Award and Sale of Refunding Bonds. The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one Series, a separate Certificate of Award shall be signed and delivered for each separately delivered Series. The sale of each Series of the Refunding Bonds shall be awarded to the Original Purchasers selected by the Director of Finance, based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Bonds. The Original Purchaser so selected shall be identified in the Certificate of Award. Each Certificate of Award shall contain the final terms of the applicable Series of Refunding Bonds determined by the Director of Finance, based on the written advice of a Financial Advisor and consistent with this Ordinance and the Indenture, including the following:

- (a) the aggregate principal amount of Refunding Bonds issued;
- (b) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Bonds any aggregate original issue premium and subtracting from the amount any aggregate original issue discount, plus (ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;
- (c) whether any Refunding Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date for those Refunding Bonds subject to prior redemption and the redemption price, which may be determined as a percentage of the principal amount redeemed or by a formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;
- (d) the dates on which and amounts in which principal of the Refunding Bonds is to be paid,

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

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

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

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

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

(i) the Paying Agent; and

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

It is determined that the terms of the Refunding Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

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

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

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

(b) to the Trustee, for deposit to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Refunding Bonds as accrued interest on any Refunding

Bonds from their dated date to the date of the delivery of and payment for those Refunding Bonds;

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

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

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

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

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

The proceeds from the sale of each Series of Refunding Bonds are appropriated and shall be used for the purpose for which those Refunding Bonds are issued as provided in this Ordinance.

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

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

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

(c) **Interest and Place of Payment.** The Refunding Bonds of each Series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Refunding Bonds, determined pursuant to the Supplemental Indenture). The Refunding Bonds of the same Series and same maturity may bear interest at different interest rates. The Refunding Bonds of each Series

shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each Refunding Bond of a Series shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the applicable Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

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

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

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

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

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

Section 7. Authorization of Supplemental Indentures; Escrow Agreement. In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of each Series of the Refunding Bonds, a Supplemental Indenture, approved as to form by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Sup-

plemental Indenture by those officers. Subject to the Original Indenture as theretofore amended, any Supplemental Indenture may contain amendments to the Original Indenture, as theretofore amended, or amend and restate the Original Indenture, to permit the City to obtain a Credit Support Instrument or to permit increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

In order to cause the proceeds of each Series of Refunding Bonds and any funds of the City deposited in an Escrow Fund to be invested as permitted under Section 9.02 of the Indenture so that the Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the applicable redemption date, the Director of Finance is authorized to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form by the Director of Law, providing for the establishment of each Escrow Fund as a trust fund in the custody of the Trustee and for the investment, dedication and application of the moneys deposited in the accounts therein and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the Refunded Bonds identified in the applicable Certificate of Award to be called for redemption prior to maturity and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Director of Finance is authorized to take such other actions as may be necessary or appropriate to accomplish the refunding of Refunded Bonds, including without limitation, the retention of an independent public accounting firm to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates and interest payment dates, and bear such interest, as will be sufficient, together with any cash in an Escrow Fund, for the payment of debt service on the Refunded Bond to which the Escrow Fund relates and to make any determinations required for the interest on the Refunding Bonds to be excluded from gross income for federal income tax purposes.

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

Section 9. Remarketing. In the event that the Director of Finance

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

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

The Director of Finance and the Director of Public Utilities are authorized to prepare one or more disclosure documents in connection with any remarketing of Bonds under the same terms and conditions as set forth in Section 14 of this Ordinance with respect to the issuance of Refunding Bonds. The Director of Finance, the Director of Public Utilities or any other officer of the City, as appropriate under the Charter, is authorized to take such

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

Section 10. Tender Offers. In connection with refinancing or restructuring any Outstanding Revenue Bonds, the Director of Finance is authorized to make a Tender Offer for those Outstanding Revenue Bonds or any one or more maturities of the Outstanding Revenue Bonds on such terms as the Director of Finance determines, in consultation with a Financial Advisor, will result in debt service savings to the City or the elimination or modification of covenants that are unduly restrictive or a more favorable debt service structure or more favorable terms under Credit Support Instruments or other advantages to the City. The purchase price for the purchase of any Outstanding Revenue Bonds tendered for purchase in response to the Tender Offer shall be paid from proceeds of Refunding Bonds and any other funds of the City available for the purpose. The Director of Finance is authorized to retain the services of one or more firms to serve as dealer manager, depository and information agent in connection with any Tender Offer and to pay the fees and expenses of those firms from proceeds of Refunding Bonds or other funds of the City available for the purpose; provided the Director of Finance determines that the firms so retained possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to prepare disclosure documents relating to the terms and conditions of the Tender Offer and containing information about the City and the Waterworks System and to authorize the use and distribution of those disclosure documents.

Section 11. Authorization of Hedging Arrangements. This Council finds that by engaging in interest rate hedging arrangements with respect to Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of its

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

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

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

The Director of Finance is authorized to terminate any Hedge Agreements in whole or in part or any Credit Support Instrument securing

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

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

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

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

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the Refunding Bonds, together with information from the City's records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

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

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

(e) The City will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds that are issued as Tax-Exempt Obligations in such manner

and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

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

The Mayor, the Director of Finance or any other officer of the City, as appropriate under the Charter, is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Refunding Bonds that are issued as Tax-Exempt Obligations or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amount or payments, as determined by that officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be

appropriate to assure the exclusion of interest from gross income and the intended tax status of the Refunding Bonds that are issued as Tax-Exempt Obligations, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the Refunding Bonds and interest thereon.

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

Section 13. Ratings; Credit Enhancement. If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the filing of an Application for a rating on one or more Series of Outstanding Revenue Bonds or Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Outstanding Revenue Bonds or Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in debt service savings to the City, or will stabilize interest rates on those Bonds or will minimize the risk of increased interest expense on those Bonds. The Director of Finance is further authorized to terminate any such contract if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The cost of obtaining each rating and the cost of obtaining or terminating each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds of the Water Division, which are appropriated for that purpose.

Section 14. Official Statements; Continuing Disclosure. The Mayor, the Director of Finance, the Director of Public Utilities, the Commissioner of Water, or other City officials, as appropriate under the Charter, each is authorized, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of Refunding Bonds of one or more Series, and (ii) determine, and certify or other-

wise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of one or more preliminary official statements are authorized and approved.

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

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

Section 15. Authorization of Other Documents. Each of the Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, is authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the

transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Indenture, any Escrow Agreements and any Hedge Agreements.

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

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

Section 17. Other Provisions for Payment of Outstanding Revenue Bonds. The City may, from time to time, deposit funds in trust with the Trustee under the Indenture or an Escrow Agreement for the payment of debt service requirements on any Outstanding Revenue Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Financial Advisor, doing so will improve the debt service coverage ratio of the Waterworks System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to make such deposits, from time to time, from moneys in the Additions and Improvements Fund under the Indenture (Fund No. 52-300 of the Water Division) in amounts that, in the aggregate, do not exceed \$50,000,000, with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the designated Outstanding Revenue

Bonds, as and when due at maturity or upon prior redemption, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the Escrow Agreement. The officers signing the Escrow Agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the Escrow Agreement by those officers. The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Revenue Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys, for the payment of debt service on the designated Outstanding Revenue Bonds.

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

The authorizations in this Ordinance with respect to Refunding Bonds shall apply to the Subordinated Refunding Notes subject to the following: (a) the principal of the Subordinated Refunding Notes

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

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

any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City.

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

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

Section 19. Financial Advisors and Consultants.

The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Finance may obtain the services of

one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Refunding Bonds or Subordinated Refunding Notes or the delivery of any Hedge Agreements concerning the utilization and operation of the Utility, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

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

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

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

Section 23. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Refunding Bonds or Subordinated Refunding Notes or matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures or other agreements or contracts made or entered into by the City.

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

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

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

Section 27. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1361-10.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance to supplement Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009, by adding new Sections 4a., 4b., and 4c.; and to supplement Ordinance No. 467-10, passed May 24, 2010, by adding new Sections 5a., 5b., and 5c., relating to repayments under the Neighborhood Stabilization Program and Neighborhood Stabilization II Program.

Whereas, Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009, authorized the Director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization Program ("NSP"); and

Whereas, Ordinance No. 467-10, passed May 24, 2010, authorized the Director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization II Program ("NSP II"); and

Whereas, both programs offer the ability of the City of Cleveland to loan program funds to implement the NSP and the NSP II; and

Whereas, the Department of Community Development seeks authorization to make additional expenditures using the repayments received under the NSP and the NSP II; 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 Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009, is supplemented by adding new Sections 4a., 4b., and 4c., to read as follows:

Section 4a. That any loan agreements, security instruments, or other documents shall be prepared and approved by the Director of Law.

Section 4b. That the Director of Community Development is authorized to accept monies in repayment of the loans and to deposit the monies in Fund Nos. 19 SF 626, 19 SF 627, and 19 SF 643 and to utilize the repayments to make additional expenditures under the Neighborhood Stabilization Program, and are appropriated for this purpose.

Section 4c. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of loan applications, closings, and servings of the loans.

Section 2. That Ordinance No. 467-10, passed May 24, 2010, is supplemented by adding new Sections 5a., 5b., and 5c., to read as follows

Section 5a. That any loan agreements, security instruments, or other documents shall be prepared and approved by the Director of Law.

Section 5b. That the Director of Community Development is authorized to accept monies in repayment of the loans and to deposit the monies in Fund Nos. 19 SF 626, 19 SF 627, and 19 SF 643 and to utilize the repayments to make additional expenditures under the Neighborhood Stabilization Program II, and are appropriated for this purpose.

Section 5c. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of loan applications, closings, and servings of the loans.

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

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

Ord. No. 1362-10.
By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for environmental assistance for proposed redevelopment of the General Environmental Management Facility at 2525 Rockefeller Avenue, 2655 Transport Road, and 2727 Transport Road; and authorizing the Director to enter into one or more contracts

with Fortuna Development, LLC, or its designee, to implement the project.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$300,000, from the State of Ohio Department of Development for environmental assistance for proposed redevelopment of the General Environmental Management Facility at 2525 Rockefeller Avenue, 2655 Transport Road, and 2727 Transport Road, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant, File No. 1362-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to enter into one or more contracts with Fortuna Development, LLC, or its designee, to implement the project.

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

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

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

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

Ord. No. 1363-10.

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

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

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

agency for various Brownfield activities; and

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

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

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

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

Whereas, continued membership into this coalition is desired in order to apply for any supplemental FY 09 grant funds and for any new FY 11 grant funds from the United States EPA, as they become available, and also grant funds from various entities, in order to continue and supplement this successful program; and

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

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

Section 1. That the Director of Economic Development, on behalf of the City of Cleveland, is authorized to enter into one or more agreements, or amendments to existing agreements, with members of the Northcoast Brownfield Coalition to participate as a member for a period up to three years, which include applying for and accepting grants and administering grant funds received.

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

Section 3. That, as a member of the Northcoast Brownfield Coalition, the Director of Economic Development on behalf of the City of Cleveland, is authorized to file any papers and execute all documents necessary to participate in the coalition and to implement any grants authorized in this ordinance.

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

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

Ord. No. 1365-10.

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

An emergency ordinance determining the method of making the public improvement of replacing the cooling towers servicing Concourse C at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to design the improvement; and authorizing the purchase by one or more requirement contracts of various types of heating, ventilation, and air conditioning equipment and supplies, including labor and materials to install for a period of two years, for the Department of Port Control.

Whereas, on January 10, 2010 there was a catastrophic power failure in which the North cooling unit at Cleveland Hopkins International Airport froze beyond repair and the South cooling unit was also damaged; and

Whereas, there is currently a claim with Factory Mutual Insurance Company, Claim No. 189711, for partial compensation to replace the North cooling tower due to the January 10, 2010 weather conditions; and

Whereas, the South cooling tower is currently being operated with the consent of Factory Mutual Insurance Company, in order to determine if that cooling tower needs to be replaced as well; 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 replacing up to two cooling towers servicing Concourse C at Cleveland Hopkins International Airport (the "Improvement"), for the Division of Cleveland Hopkins International Airport, 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 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 apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of 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 5. 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 of the necessary items of various types of heating, ventilation, and air conditioning equipment and supplies, including labor and materials to install, 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 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. 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 6. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of 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 the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 141, and from the fund or funds which are credited any insurance proceeds received from Factory Mutual Insurance Company for Claim No. 189711 or any future claims filed by the City for replacement or repair of the South cooling tower, Request No. RQS 3001, RL 2010-156.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 1368-10.
By Council Member Brancatelli.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to FBE, Inc.

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

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

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

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

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

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

P. P. No. 132-03-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lots Nos. 318 and 319, and bounded and described as follows:

Beginning on the Westerly line of East 71st Street (formerly Echo Street) 45 feet in width, at its intersection with the Southerly line of the right-of-way of the Norfolk and Western Railway Company (formerly the Wheeling and Lake Erie Railroad) 40 feet in width; thence South 0° 14' 30" West along the Westerly line of East 71st Street 114.34 feet to a point; thence North 89° 45' 30" West at a right angle to the Westerly line of East 71st Street, 416.52 feet to a point in the Easterly line of land conveyed to O.K. Associates by deed dated July 7, 1970 and recorded in Volume 12726, Page 527 of Cuyahoga County Records; thence Northeasterly along the Easterly curved line of land so conveyed to O.K. Associate, along the arc of a curve deflecting to the right, 180.99 feet, said curved line having a radius of 165.00 feet and a chord which bears North 49° 39' 00" East a distance of 172.05 feet to a point of compound curvature; thence continuing Northeasterly along an Easterly curved line of land so conveyed to O.K. Associates, along the arc of a curve deflecting to the right 49.39 feet, said curved line having a radius of 280.00 feet and a chord which bears North 86° 07' 41" East a distance of 49.33; thence North 1°

45' 00" East, 5.08 feet to a point in the aforementioned Southerly line of the right-of-way of the Norfolk and Western Railway Company; thence South 88° 15' 00" East along said Southerly right-of-way line, 236.61 feet to the place of beginning, containing 43,560 square feet of land (1,000 acres) according to the survey of Garrett and Associates, Inc. Registered Engineers and Surveyors, made in August 1979, be the same more or less, but subject to all legal highways.

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

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

P. P. No. 133-02-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 and all of Sublot Nos. 4, 5, 6, 7, 8, 9, 10 and 11 in Whittlesey's Subdivision of part of Original One Hundred Acre Lot No. 319, as shown by the recorded plat in Volume 5 of Maps, Page 64 of Cuyahoga County Records, and Sublot Nos. 15, 16, 17, 18, 19, 20 and 21 in C.C. Morgans' Subdivision of part of Original One Hundred Acre Lot No. 319, as shown by the recorded plat in Volume 23 of Maps, Page 2 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 72nd Street, (formerly Wright Street), at its point of intersection with the Southerly line of land conveyed to The Connotton Valley Railroad Company by deed dated January 19, 1882, and recorded in Volume 335, Page 419 of Cuyahoga County Records; thence Southerly along said Westerly line of East 72nd Street to the Southeasterly corner of said Sublot No. 11, thence Westerly along the Southerly line of said Sublot No. 11 to the Southwesterly corner of said Sublot No. 11, which is also the Easterly line of said C. C. Morgan's Subdivision; thence Northerly along said Easterly line of C. C. Morgan's Subdivision to the Southeasterly corner of said Sublot No. 15; thence Westerly along the Southerly line of said Sublot No. 15 to the Easterly line of East 71st Street, (formerly Echo Street); thence Northerly along said Easterly line of East 71st Street to the Northwesterly corner of said Sublot No. 21; thence Easterly along the Northerly line of said Sublot No. 21 and along the Southerly line of land conveyed to the Connotton Valley Railroad Company, as aforesaid, to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

P. P. No. 133-02-078

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being Sublot No. 12 in C.C. Morgan's Subdivision of part of Original One Hundred Acre Lot No. 319 as shown by the recorded plat in Volume 23 of Maps, Page 2 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 71st Street and extending back 124.74 feet deep on the Northerly line, 124.76 feet deep on the Southerly line and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

P. P. No. 133-03-002

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio, and known as being Sublot No. 8 in C.C. Morgan's Subdivision of part of Original One Hundred Acre Lot No. 319 as shown by the recorded plat in Volume 23 of Maps, Page 2 of Cuyahoga County Records and being a parcel of land 40 feet front on the Easterly side of East 71st Street and extending back 124.82 feet on the Northerly line, 124.83 on the Southerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less but subject to all legal highways.

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

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

P. P. No. 133-03-023

Situated in the City of Cleveland County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 8 in Samuel Mason's Subdivision of part of Original One Hundred Acre Lot No. 319, as shown by the recorded plat in Volume 4 of Maps, Page 40 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point of intersection of the Westerly line of East 75th Street (formerly Railroad Street), with the Northeasterly line of Aetna Road, SE (formerly Aetna Street), said point of beginning being also the Southeasterly corner of said Sublot No 8; thence Northerly along said Westerly line of East 75th Street, 113 feet; thence Westerly parallel with the Northerly line of said Sublot No. 8, 33-8/100 feet; thence Southerly to a point on the Northeasterly line of Aetna Road SE, 38-30/100feet Northwesterly from the place "beginning; thence South-easterly along said Northeasterly line of Aetna Road SE, 38-30/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 11. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the docu-

ments are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 12. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 13. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1359-10.

By Council Member Sweeney.

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

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

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

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

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

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

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

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

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

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

Ord. No. 1364-10.

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

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

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

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

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

Section 6. That the agreement shall also provide that Borchert Fence Co. shall transfer fee title to the City of Cleveland of some or all of the following described Borchert Fence Co. property: Permanent Parcel Nos. 124-20-010 to 124-20-013, **124-20-065, 124-20-066.**

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

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

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

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

Ord. No. 1366-10.

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

An emergency ordinance authorizing the Directors of Community Development and Public Health to apply for and accept a grant from the U.S. Department of Housing and Urban Development for the 2010 Healthy Homes Production Program.

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

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

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

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

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

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

Ord. No. 1367-10.

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

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

Whereas, there have been several applications for the use of computerized sweepstakes devices, sweepstakes terminal cafes, internet cafes, or similar activity, by whatever name it might be known, hereinafter "internet sweepstakes operations"; and

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

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

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

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

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

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

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

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

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

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1369-10.

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

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

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

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

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

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

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

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

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

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

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

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

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

Res. No. 1370-10.

By Council Members Cummins and Kelley.

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

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

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

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

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

Whereas, the Priority Development Areas and the Priority Con-

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

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

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

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

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

Whereas, the City of Cleveland will support and work collaboratively with the Friends of Big Creek and the Cuyahoga River Community Planning Organization; and

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

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

Section 1. That this Council supports the Big Creek Watershed Balance Growth Plan and the Priority Development Areas and Priority Conservation Areas identified therein.

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

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

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

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

Res. No. 1371-10.

By Council Member Polensek.

An emergency resolution urging the Department of Public Safety to coordinate with the Cleveland Municipal School District to address the crisis of absenteeism in Cleveland schools by increased enforcement of our City laws that require

children of compulsory school age to be in attendance at school and impose parental duties.

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

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

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

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

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

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

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

Whereas, Sections 605.141(b) and (g) impose a duty on parents and legal guardians of school-age children to prohibit the child from behaving contrary to division (a), and if any person violates this duty, her is guilty of negligently failing to supervise a child of compulsory school age, a misdemeanor of the fourth degree for the first offense; and

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

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

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

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

Section 1. That this Council hereby urges the Department of Public Safety to coordinate with the Cleve-

land Municipal School District to address the crisis of absenteeism in Cleveland schools by increasing enforcement of our City laws that require children of compulsory school age to be in attendance at school and impose parental duties.

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

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

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

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

Res. No. 1372-10.

By Council Member Brady.

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

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

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

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

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

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

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

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

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

Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C2 and C2X Liquor Permit from Serv A Rack, Inc., DBA Dave's Discount, 6723 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 79892400005 to Crystalluksw117, Inc., 3654 West 117th Street, Cleveland, Ohio 44111, Permanent Number 1841958, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1373-10.

By Council Member Cimperman.

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

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

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

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

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

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

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

decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Almont, Inc., 8309 Madison Avenue, 1st & 2nd floors, Cleveland, Ohio 44102, Permanent Number 0142976 to Daniel M. Miller, Inc., 1301 East 9th Street, Cleveland, Ohio 44114, Permanent Number 1918454, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1374-10.

By Council Member Cimperman.

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

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

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue & Basement, Cleveland, Ohio 44114, Permanent Number 2779680 be and the same is hereby withdrawn and Resolution

No. 1115-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1375-10.

By Council Member Cimperman.

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

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

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

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

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

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

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

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

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

Res. No. 1376-10.

By Council Member Cleveland.

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

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

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

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

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

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

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

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

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

Res. No. 1377-10.

By Council Member Cleveland.

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

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

Whereas, this Council wishes to withdraw its objections to the above permit and Liquor Agency Contract and consents to said permit; and

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

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

Section 1. That objections to the Transfer of Ownership and the Liquor Agency Contract located at Gurdev, Inc., DBA Deep State Liquor & Market, 7401-05 Central Avenue and basement, Cleveland, Ohio 44104, Permanent Number 3452641, be and the same is hereby withdrawn and Resolution No. 1088-10, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

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

Res. No. 1378-10.

By Council Member Cleveland.

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

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to Kirksey, Inc., DBA Hank's, 3560 East 93rd Street by Resolution No. 944-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Kirksey, Inc., DBA Hank's, 3560 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 46687270001 be and the same is hereby withdrawn and Resolution No. 944-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1379-10.

By Council Member Reed.

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

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit from Yar Rum, Inc., 4005-07 East 131st Street, Cleveland, Ohio 44105, Permanent Number 9819313 to Kitt, LLC, 4005-07 East 131st Street, Cleveland, Ohio 44105, Permanent Number 4685380; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1381-10.

By Council Member Zone.

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

Whereas, this Council objected to a New C1, Transfer of Ownership of a C1 and C2 and the Renewal at 5110 Clark Avenue by Resolution

Nos. 1266-10, 1267-10 and 958-10, adopted by the Council on September 20, 2010; and

Whereas, this Council wishes to withdraw its objections to the above permits and consents to said permits; and

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

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

Section 1. That objection to a New C1, Transfer of Ownership of a C1 and C2 and the Renewal at Clark Petroleum, LLC, 5110 Clair Avenue, Cleveland, Ohio 44102, Permanent Numbers 15255190005, 1525519 and 98723320005, be and the same is hereby withdrawn and Resolution Nos. 1266-10, 1267-10 and 958-10, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1024-10.

By Council Members K. Johnson, Miller, Cleveland and Sweeney (by request).

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

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

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

Ord. No. 1025-10.

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

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

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

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

Ord. No. 1026-10.

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

An emergency ordinance authorizing the Director of Public Utilities

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

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

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

Ord. No. 1028-10.

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

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

Approved by Directors of Public Utilities Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

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

Ord. No. 1030-10.

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

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

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

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

Ord. No. 1031-10.

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

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

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

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

Ord. No. 1034-10.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Servisair USA, Inc. for the lease of office space at Cleveland Hopkins International Airport for office and storage space to support ground

handling operation services, for the Department of Port Control, for a period of two years, with one option to renew for an additional one-year period and a second option to renew for approximately sixteen additional months, the first option is exercisable through additional legislative authority.

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

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

Ord. No. 1073-10.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10805 Nelson Avenue to Ella M. Settles.

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

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

Ord. No. 1183-10.

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

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

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

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

Ord. No. 1188-10.

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

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

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

1. In the title, line 6, strike "assessment assistance on the" and insert "assistance for".

2. In Section 1, lines 3 and 4, strike "assessment assistance on the" and insert "assistance for"; and at the end of the section, strike the period and insert "and in any sub-

sequent grant amendments, which amendments will be filed with Council."

Amendments agreed to.

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

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

Ord. No. 1199-10.

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

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

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

Ord. No. 1200-10.

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

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

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

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

Ord. No. 1290-10.

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

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

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

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

Ord. No. 1322-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter

into one or more contracts with Clark Schaefer Hackett for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2010 financial statements and to complete two statements of Auditing Standards for the Divisions of Water and Taxation; for a period of one year, with three one-year options to renew, the second of which is exercisable through additional legislative authority.

Approved by Directors of Finance and Law; Passage recommended by Committee on Finance.

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

Ord. No. 1323-10.

By Council Member Sweeney (by departmental request).

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

Approved by Directors of Finance and Law; Passage recommended by Committee on Finance.

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

Ord. No. 1327-10.

By Council Member Sweeney (by departmental request).

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

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

1. In the title, line 6, strike 1. In the title, line 7, strike "City" and insert "University".

2. In Section 3, line 1, strike "Public Health" and insert "Director of Finance, on behalf of the Cleveland Municipal Court"; and in line 2, strike "City" and insert "University".

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 730-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read

third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 732-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 733-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 734-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1076-10.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 1077-10.

By Council Members Dow and J. Johnson.

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

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 1487-09.
By Council Members Cimperman, Brady and Sweeney (by request).
An emergency resolution declaring the intent to vacate a portion of East 3rd Street and a portion of Summit Avenue N.E.
Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.
The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1032-10.
By Council Members Westbrook Miller, Cleveland and Sweeney (by request).
An emergency resolution declaring the intent to vacate a portion of Stanhope Court N.W. (12 feet wide).
Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.
The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

MOTION

The Council Meeting adjourned at 8:10 p.m. to meet on Monday, October 25, 2010 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 13, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 13, 2010, at 10:30 a.m. with Director Triozzi presiding.
Present: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Flask, Cox, Acting Director Resseger, Directors Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.
Absent: Mayor Jackson and Director Carroll.
Others: James Hardy, Commissioner, Purchases and Supplies.
Natoya Walker-Minor, Director, Office of Equal Opportunity.
On motions, the following resolutions were adopted, except as may be otherwise noted:

Resolution No. 421-10.
By Director Withers.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Key Chemical, Inc. for an estimated quantity of hydrofluosilicic acid, bid items 1-4, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on August 26, 2010 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$926,816.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$260,668.00.
The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Flask, Cox, Acting Director Resseger, Directors Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.
Nays: None.
Absent: Mayor Jackson and Director Carroll.

Resolution No. 422-10.
By Director Withers.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corp for the public improvement of Suburban Water Main Renewal Program for Edgecliff Dr., Farrington Ave., Mills Ave., Tracy Ave., Tungsten Rd., Sidney Dr., E. 212th St., E. 228th St., E. 264th St., E. 279th St., and E. 280th St. in the City of Euclid, Ohio, including a \$361,023.90 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on July 15, 2010, under the authority of Ordinance No. 1928-07, passed December 10, 2007, upon a unit basis for the improvement in the aggregate amount of \$3,971,262.90, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corp, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Dan-Ray Construction, LLC (CSB)	\$691,600.00 17.415%
ECC Enterprises, LLC (CSB/MBE/FBE)	\$528,900.00 13.318%

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Flask,

Cox, Acting Director Resseger, Directors Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.
Nays: None.
Absent: Mayor Jackson and Director Carroll.

Resolution No. 423-10.
By Director Withers.
Be it resolved by the Board of Control of the City of Cleveland that the bid of TY Incorporated for the public improvement of water main replacements Cherry Lane and Starlight Drive in the City of Seven Hills, Ohio, including a \$106,641.53 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on July 8, 2010, under the authority of Ordinance No. 1928-07, passed December 10, 2007, upon a unit basis for the improvement in the aggregate amount of \$1,173,056.84, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by TY Incorporated for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
North Coast Paving Company (CSB)	\$244,200.00 20.817%
Rockport Construction & Material, Inc.	\$85,313.00 0.000%

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Flask, Cox, Acting Director Resseger, Directors Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.
Nays: None.
Absent: Mayor Jackson and Director Carroll.

Resolution No. 424-10.
By Director Smith.
Resolved by the Board of Control of the City of Cleveland that all bids received for the necessary items of labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control, received on August 19, 2010, under the authority of Ordinance No. 409-10, passed by the Council of the City of Cleveland on May 24, 2010, be and the same are rejected.
Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Flask, Cox, Acting Director Resseger, Directors Marion, Nichols, Fumich, Interim Director Mahoney and Director Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 425-10.
By Director Smith.
Resolved by the Board of Control of the City of Cleveland that all bids received for the necessary items of storage cabinets with parts and accessories, for the various divisions of the Department of Port Control, received on September 8, 2010, under the authority of Ordinance No. 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, be and the

same are rejected.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 426-10.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Insight Public Sector Inc., for an estimated quantity of Pen-Base and I-Mobile Computers, Equipment and Accessories, Group A, item number 1 thru item 5, Group B item 1 thru item 14 and Group C, item 1, for the Division of Emergency Medical Services, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on September 9, 2010, under the authority of Ordinance No. 599-10, passed by Cleveland City Council on June 7, 2010, which on the basis of the estimated quantity would amount to \$488,281.94 is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$488,281.94.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 427-10.

By Director Rush.

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

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

Whereas, under the authority of Section 183.024, the City has acquired Permanent Parcel No. 117-07-050, located at 1735 Wickford Road, from HUD; and

Whereas, Carl Anthony Bennett Sr. and Janet Bennett (husband and wife) has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

Whereas, Section 183.024 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development, and with the prior written consent of the Council member(s) in whose ward the property acquired from HUD or Fannie Mae to be sold is located, to convey the property to

purchasers for the public purpose of rehabilitation and/or resale for consideration established by the Board of Control at not less than fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 117-07-050 to Carl Anthony Bennett Sr. and Janet Bennett is established as \$375.00, which amount is determined to be not less than fair market value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 428-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 117-07-011 located at Hillview Road in Ward 10; and

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

Whereas, Juanita C. Gerald, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for green space; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Juanita C. Gerald for the sale and development of Permanent Parcel No. 117-07-011 located at Hillview Road, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Wasik, Carroll, Flask, Cox, Acting Director Resseger, Directors Marion, Nichols,

Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 429-10.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of John G. Johnson Construction, for the public improvement of City of Cleveland Recreation Center Improvements - Package #1, Base Bid Items A (Thurgood Marshall Recreation Center Kitchen) and Allowances for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 29, 2010, under the authority of Ordinance Nos. 922-07, 1163-08 and 1176-08, passed on July 11, 2007, August 6, 2008 and November 10, 2008, upon a gross price basis for the improvement in the aggregate amount of \$127,500.00, is affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is authorized to enter into contract for the improvement with the bidder.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 430-10.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, for the public improvement of City of Cleveland Recreation Center Improvements - Package #1, Base Bid Items B (Thurgood Marshall Recreation Center Boiler Replacement) and Base Bid Items D (Kenneth L. Johnson Recreation Center Boiler Replacement) and Allowances for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 29, 2010, under the authority of Ordinance Nos. 922-07, 1163-08 and 1176-08, passed on July 11, 2007, August 6, 2008 and November 10, 2008, upon a gross price basis for the improvement in the aggregate amount of \$387,350, is affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is authorized to enter into contract for the improvement with the bidder.

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

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

CIVIL SERVICE NOTICE

**ANNOUNCEMENTS — 2010
10/12/2010 until filled**

Announ- ment No.	Exam Method	Classi- fication	Exam Type
68	EE	Commissioner of Administrative Services	Open
69	EE	Office of Professional Standards Investigator	Open

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.

- Car insurance documents.
 - Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
 - Loans and credit card statements (Within last three months).
 - Rental contracts (e.g.: furniture, tools, car, etc.).
 - Current bills not listed above (Within last three months).
- The following are examples of **unacceptable** categories of proof:
- Library cards.
 - Voter registration cards.
 - Birth certificates.
 - Notarized letters or affidavits.
 - Social Security card.
 - Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 68**

COMMISSIONER OF ADMINISTRATIVE SERVICES (NON-COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a Non-Competitive examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$40,314.80 - \$128,214.57 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON TUESDAY, OCTOBER 12, 2010 UNTIL POSITION IS FILLED.**

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under administrative direction, responsible for the general management of the Administrative Services Division. Manages the effective deliv-

ery of budget, accounting, personnel/payroll, grant compliance and management, management information systems, 3rd party nonprofit agency contracting, and logistical services to the operating divisions within the Department of Community Development. Coordinates the development of the annual Consolidated Plan (grant application) and the annual reporting on grant performance to the Dept. of HUD on an annual basis. Supervises the administration of revenue and expenses for the Department, including funds received from HUD and the State of Ohio. Supervises and trains divisional staff, directly or through subordinates. Develops and implements policies and programs in support of divisional goals and objectives. Maintains records required by funding, policy, operational need, or for generating reports. Monitors and evaluates compliance with Fair Housing, Section 3, and MBE/FBE/CSB requirements for programs using grant or loan funds from the Department. Administers the enforcement of Fair Labor Standards Act regulations for grant funded construction projects. Provides public information regarding Community Development Block Grant activities. Interprets and applies rules and regulations related to Community Development operations and programs. Monitors program activities to ensure that funds are used in compliance with applicable funding requirements, including those established by federal and state program regulations. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. A Bachelor's Degree in Planning, Business Administration, Public Administration, Urban Studies, or related field is required, a Master's Degree is preferred. Seven years of full time paid experience in the supervision and management of staff that has a broad range of job responsibilities and technical competencies is required, as is direct experience in the delivery of public programs and services. Familiarity with US Department of Housing & Urban Development regulations for the Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant ESG, and Housing Opportunities for Persons with AIDS (HOPWA) programs is preferred. Experience in managing regulatory programs is preferred. A valid State of Ohio Driver's License is required.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid

by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance or indigence is exempt from the filing fee.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 69

OFFICE OF PROFESSIONAL STANDARDS INVESTIGATOR (NON-COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a Non-Competitive examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,092.80 - \$55,191.48 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON TUESDAY, OCTOBER 12, 2010 UNTIL POSITION IS FILLED.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, conducts investigations into citizen complaints of police misconduct, Use of Deadly Force, and in-custody injuries or deaths. Reviews cases filed with the Civilian Police Review Board as well as related investigative reports. Conducts investigations on non-police safety personnel. Conducts research and special assignments as deter-

mined by the Administrator. Identifies allegations. Gathers physical and documentary evidence to provide a body of information for analysis and resolution of complaints. Prioritizes tasks and meets required deadlines. Makes recommendations and testifies before the Civilian Police Review Board concerning completed investigations. Interacts with members of the community. Assigns case numbers and creates case files for newly received complaints. Processes paperwork related to the Office of Professional Standards and the Civilian Police Review Board. Maintains files. Develops and maintains statistical data and information as it relates to complaints filed. Preserves evidence in a secure manner for evaluation and analysis. Prepares materials related to public records requests and for the Annual Report. Prepares cases for presentation. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. A Bachelor's Degree in Criminal Justice, Public Administration, Social Science, Public Safety Management, or a closely related field from an accredited four-year college or university is required. Five years of full time paid investigative experience, three of which must be in conducting and administering investigations which includes recordkeeping, interviewing witnesses, and evidence gathering, is required. Three years of Diversity Training is strongly preferred. (Substitution: Two years of related experience may substitute for each year of college education lacking.) Must be able to become LEADS certified. Must be familiar with the use of audio/visual recording and playback equipment. Must have strong analytical writing skills and must be able to demonstrate such. A valid State of Ohio Driver's License is required.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance or indigence is exempt from the filing fee.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or

is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

October 20, 2010

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 1, 2010

9:30 A.M.

Calendar No. 10-184: 917 East 105th Street (Ward 8)

Subi Mahmoud, owner, appeals to construct a gas station and convenience store with a drive-through proposed to be on consolidated corner parcels in Local Retail Business and wo-Family Districts; subject to the limitations of Sections 343.01 and 337.03 the proposed use is not permitted and first allowed in a General Retail Business District and pursuant to Section 343.18 driveways shall be located so that there is not less than 15 feet between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line; and provisions in Section 343.18 require no less than 15 feet from the property line for location of a gasoline pump or island; and a landscaping/transition strip 10 feet wide providing 75 percent year-round opacity is required along the rear property according to Sections 352.10-11; and no width of the drive-through and bypass lanes is proposed contrary to Section 347.16(d)(3) that requires a minimum width of 10 feet.

Calendar No. 10-189: 1355 West 74th Street (Ward 15)

Loretta Colyer, owner, appeals to install wood picket fence 4 feet high and 6 feet high in the front and side yards of a 35' x 79.79' parcel in a wo-Family District; and pursuant to Section 358.04(a), no fence in a residence district shall be higher than its distance from a residence building on an adjoining lot if the fence is parallel to and adjacent to the wall of the residence; and a fence height of 6 feet is proposed parallel to the neighboring dwelling where there is only a distance of 3 feet.

Calendar No. 10-194: 4300 Bradley Road (Ward 12)

W.B. and M.E. Bauman and Bradley Road, Incorporated appeal for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage located in a General Industry District and consisting of parcel numbers 009-36-001, 009-36-002, 009-36-005, 009-36-006, 009-36-007, 009-34-002, and 009-34-004; where the proposed use is subject to the limitations in Section 345.04(b)(21) and shall not have the effect or impact of being more injurious, hazardous, noxious or offensive than the enterprises listed in division (b) of Section 345.04(b), including: asphalt or tar manufacturing or refining; blast furnaces, ore smelting or reduction, refining or smelting; carbon, coke or

lampblack manufacture; coal gas manufacture; cremation; creosote manufacture or treatment; dextrine, glucose or starch manufacture; disinfectant or insecticide manufacture which emits offensive odors; dye stuffs manufacture; manufacture of steel by the Bessemer process; match manufacture; oil cloth or linoleum manufacture; paper and pulp manufacturing; reduction or refining of petroleum or other flammable liquids; rock crushing; rubber manufacture by reclaiming processes; stock feed manufacture from refuse; tanning, curing or storing of rawhides or skins; wool pulling or scouring; and hair processing. Pursuant to Sections 352.08-12, a 10 foot wide landscaped strip providing at least 75 percent year-round opacity is required where the General Industry zoned parcels abut residentially zoned districts on the northerly and easterly proposed parcel project lines; and vehicle maneuvering areas shall be surfaced with concrete, asphaltic concrete, asphalt or other paving material that is approved by the Chief Building Official for the City of Cleveland in accordance with Codified Ordinance Section 349.07.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 18, 2010

At the meeting of the Board of Zoning Appeals on Monday, October 18, 2010, the following appeals were heard by the Board.

The following appeals were **Approved**:

Calendar No. 10-67: 2388 West 6th Street
Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

Calendar No. 10-68: 2379 West 6th Street
Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

Calendar No. 10-69: 2382 West 6th Street
Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

Calendar No. 10-70: 2387 West 7th Street
Nancy Corral Trust appealed to erect a two-story fee simple single family dwelling with an attached garage in a B1 Two-Family District.

Calendar No. 10-176: 1889 West 47th Street
Richard Nosse appealed to construct a one-story tree house on a vacant lot in a B1 Two-Family District; subject to lot consolidation.

Calendar No. 10-177: 15610 Lakeshore Boulevard
John Daher, owner, and Jack DiCocco dba American Pride Car Wash, prospective purchaser, appealed to build an addition to a one-story building and change the use to an automatic car wash in a C1 Shopping Center District.

Calendar No. 10-180: 12500 Buckeye Road

Ann Marie Ogletree appealed to construct a parking lot and three car garage in a Local Retail Business and Two-Family Districts.

Calendar No. 10-155: 5905 Thackeray Avenue

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

Calendar No. 10-156: 5911 Thackeray Avenue

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

Calendar No. 10-157: 5917 Thackeray Avenue

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

The following appeals were **Withdrawn**:

Calendar No. 10-182: 14422 Orchard Park Avenue
Thomas Szoradi appealed to erect a 3 feet high by 4 feet long wolmanized wooden fence in an A1 One-Family District.

Calendar No. 10-150: 15225 Ohio Avenue
City of Cleveland and Department of Community Development appealed to install 260 linear feet of 6 foot high chain link fence on a vacant parcel in a B1 Two-Family District.

Calendar No. 10-151: 14905 Naples Avenue
City of Cleveland and Department of Community Development appealed to install 260 linear feet of 6 foot high chain link fence on a vacant parcel in a B1 Two-Family District.

Calendar No. 10-152: 14509 Naples Avenue
City of Cleveland and Department of Community Development appealed to install 260 linear feet of 6 foot high chain link fence on a vacant parcel in a B1 Two-Family District.

The following appeals were **Postponed**:

Calendar No. 10-178: 8116 Lorain Avenue postponed to December 20, 2010.

Calendar No. 10-179: 3292 Fulton Road postponed to November 29, 2010.

Calendar No. 10-107: 3121 West 33rd Street postponed to November 29, 2010.

The following appeal scheduled for November 8, 2010 was **Postponed**:

Calendar No. 10-136: 4610 Clark Avenue postponed to December 13, 2010.

The following appeal heard by the Board on October 12, 2010 was adopted and approved on October 18, 2010.

The following appeal was **Approved**:

Calendar No. 10-174: 3849 West 25th Street

WHS Realty Services, Inc., owner, and Happy's Pizza Holdings LLC, prospective purchaser, appealed to establish use as a restaurant in an existing building on a corner lot in a Local Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 13, 2010

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

* * *

Docket A-158-10.

RE: Appeal of Greater Faith Missionary Baptist Church C/O Liberty Roofing & Construction, Owner/Contractor of A-3 Assembly — Recreation or Religious Facilities One Story Masonry Walls/Wood Floors Property located on the premises known as 13816 St. Clair Avenue from a NOTICE OF VIOLATION—POOR WORKMANSHIP, dated October 21, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued; and to find that the evidence presented would indicate poor workmanship, that the resulting problems were the result of both the owners and the roofing company regarding the drains and the cleaning of the drains. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Saunders, Bradley, Sullivan Nays: Mr. Saab Absent: Mr. Gallagher.

* * *

Docket A-162-10.

RE: Appeal of William C. Shorter, Owner of One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 12110 Miles Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated December 28, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all the required permits, and six (6) months in which to com-

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

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

* * *

Docket A-165-10.

RE: Appeal of Edward Morton, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 7715 New York Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated April 08, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations, with the condition that the Appellant obtain the required additional permits within the next thirty (30) days. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bradley.

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

* * *

Docket A-166-10.

RE: Appeal of Katrina Dial, Owner of Property located on the premises known as 6710 St. Clair Avenue from a NOTICE OF VIOLATION—HVAC, dated April 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance quest to the ten (1) foot requirement, allowing the fan to remain at the 9' 2" clearance from the adjacent property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-167-10.

RE: Appeal of John Anderson, Owner of M Mercantile — Retail Shops, Carry-out Food Shops One Story Masonry Property located on the premises known as 9301 Yale Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 30, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to maintain the premises, secured and weather-tight and the grounds be maintained debris free

and groomed; and to notify the City within two (2) weeks from the time that the insurance occurs or does not occur as to the what the Appellant's plans are for the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan.

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

* * *

Docket A-168-10.

RE: Appeal of Joseph A. Taverna & Michael J. Yunis, Owners of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2017 West 83rd Street from a NOTICE OF VIOLATION—HAZARDOUS CONDITIONS, dated February 01, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-170-10.

RE: Appeal of Dale W. Mitchell, Owner of the One Dwelling Unit Single-family Residence Two Story Frame Property located on the premises known as 1253 East 170th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated August 07, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal request for additional time based on the testimony from the inspector and the absence of the Appellant. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-171-10.

RE: Appeal of Danny D. Pride, Owner of One Dwelling Unit Single-Family Frame Property and One Story garage — Detached; Masonry located on the premises known as 9425 Easton Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE & GARAGE, dated May 04, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant forty-five (45) days in which to complete abatement of the exterior violations and ninety (90) days concurrent to complete abatement of all violations on the property, with extensions if progress is satisfactory to the City. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-173-10.

RE: Appeal of Mary Willoughby, Owner of Residential Property located on the premises known as 1382 East 89th Street from a LIMITATION ON THE PERMITS, dated May 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-174-10.

RE: Appeal of Darold Alexander, Owner of One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 2212 East 36th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated October 13, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that based on the comments by the inspector, that the property is deteriorating and the Appellant has not made efforts to repair it recently and did not attend the hearing. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-176-10.

RE: Appeal of Ryan M. Craig, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 8008 Wentworth Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE, dated November 02, 2009 of the Director of the Department of Building and Housing, requiring compliance with

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

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting no progress of any work by the owner and the lack of attendance at the hearing. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-177-10.

RE: Appeal of David M. Stokes, Owner of One Dwelling Unit Single-Family Residence Two Story Frame Property and One Story Garage — Detached; Wood Frame Property located on the premises known as 2984 East 123rd Street from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated February 24, 2010, and from a CONDEMNATION ORDER—GARAGE, dated March 22, 2010, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-178-10.

RE: Appeal of John Claude Tanner, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 11305 Parkview Avenue from a 30 DAY CONDEMNATION ORDER, dated February 25, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-182-10.

RE: Appeal of Eric Duong, Owner of Property located on the premises known as 3611 Payne Avenue from a NOTICE OF VIOLATION—FIRE CODE, dated April 14, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances

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

BE IT RESOLVED, a motion is in order at this time to grant the variance request to not install a fire suppression sprinkler system, with the conditions that the mezzanine be broom clean swept and sealed off and that any evidence of a sprinkler system and the siamese connection be removed, and to submit a plan to the City within sixty (60) days indicating those conditions, noting that the plans shall reflect a building of approximately 14,600 total square feet, and that 2,400 square feet of the building is in the sealed off mezzanine. Plans are to be submitted to the Division of Fire. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bradley.

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

* * *

Docket A-185-10.

RE: Appeal of 72 East, LLC, Owner of Three Dwelling Units Three-Family Residence Two Story Masonry Walls/Wood Floors Property located on the premises known as 903 East 72nd Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated February 23, 2010 of the Director of the Department of Building and Housing, requiring

BE IT RESOLVED, a motion is in order at this time to uphold the Condemnation Notice and to DENY any additional time, noting that the Appellant was not present for the hearing and that the building, reported by the City, is condemnable and is slated for condemnation in the near future. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-323-10.

RE: Appeal of Carl Covington, Owner of Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 2169 East 79th Street from a LIMITATION ON THE PERMITS, dated August 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time on the permits and to require the Appellant to submit proper plans describing the work and to obtain all required permits. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-324-10.

RE: Appeal of Michael Caldwell, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 9327 Dickens Avenue from a LIMITATIONON

THE PERMITS, dated August 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time on the permits and to REMAND the property at 9327 Dickens Avenue to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-389-10.

RE: Appeal of Tripod Tavern, Inc., Owner of Property located on the premises known as 11526 Clifton Boulevard from a NOTICE OF VIOLATION—FIRE CODE, dated August 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellants request for elimination of the fire alarm system; and to grant the Appellant twelve (12) months in which to install a three station fire alarm system required by the fire code. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-390-10.

RE: Appeal of Cleveland Clinic Foundation, Owner of Property located on the premises known as 9500 Euclid Avenue—M-Bldg. from an ADJUDICATION ORDER, dated June 22, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the requested variance to permit the corridor to be ventilated without mechanical ventilation, but through openings, and that the doors to the adjacent buildings provide the required ventilation rates. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

EXTENSION OF TIME:

Docket A-368-09 - Mark Fox-Morgan - 3240 East 49th Street (Front/Rear):

A motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of the violations on the rear property, and two hundred seventy (270) days in which to complete abatement of the violations on the front property contingent on the agreement by the inspector. The property is REMANDED at this time to the Department of Building and

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

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

* * *

APPROVAL OF RESOLUTIONS:

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

A-137-10 — Thor Real Estate.
 A-138-10 — Thor Real Estate.
 A-139-10 — 5750 Broadway LLC.
 A-144-10 — Amjad Hamideh.
 A-150-10 — Timothy Kovacic.
 A-153-10 — Robert E. Yount II.
 A-154-10 — Leonard Brooks.
 A-155-10 — Fatima Abuhamden.
 A-156-10 — David Hovis.
 A-157-10 — Jessica Diann Harris.
 A-159-10 — Timothy Willis.
 A-160-10 — Edith Johnson.
 A-161-10 — Mohammad A. Gaffer.
 A-164-10 — Joseph F. Ponikvar.
 A-172-10 — Thor Real Estate.
 A-198-10 — Leonard Brooks.
 A-220-10 — Angela Bennett.
 A-248-10 — Nashaat Abuhamdeh.
 A-315-10 — Marcus Morris.
 A-368-10 — Kappa House II, Inc.
 A-377-10 — The Sherwin-Williams Co.

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

* * *

APPROVAL OF MINUTES:

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

September 29, 2010

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

JOSEPH F. DENK
 Chairman

PUBLIC NOTICE

Notice of Public Meeting of the City of Cleveland Records Commission

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland City Records Commission will hold a public meeting on Wednesday, November 3, 2010 at 1:00 PM in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

October 20, 2010 and October 27, 2010

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

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

THURSDAY, NOVEMBER 4, 2010

File No. 167-2010 — Former Fifth Church of Christ Building Stabilization, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1187-10, passed by the Council of the City of Cleveland, September 13, 2010.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 22, 2010 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE, ROOM 517, CLEVELAND, OHIO 44114.

October 13, 2010 and October 20, 2010

FRIDAY, NOVEMBER 12, 2010

File No. 164-2010 — Large Water Meters, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 21, 2010 AT 11:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 165-2010 — Small Water Meters, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 21, 2010 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

October 13, 2010 and October 20, 2010

THURSDAY, NOVEMBER 18, 2010

File No. 163-2010 — Neutralization Chemicals, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 29, 2010 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 166-2010 — Sodium Hypochlorite Solutions, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 29, 2010 AT 3:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 13, 2010 and October 20, 2010

WEDNESDAY, JANUARY 12, 2011

File No. 162-2010 — Consolidated Maintenance Facility Phase IIIA Oil Water Separator and Wash Pit WBS No. A1-H211-3, for the Division of Cleveland Hopkins International Airport, Department

of Port Control, as authorized by Ordinance No. 904-09 passed by the Council of the City of Cleveland, November 9, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING WEDNESDAY, OCTOBER 27, 2010 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

October 13, 2010 and October 20, 2010

THURSDAY, NOVEMBER 18, 2010

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

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

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

October 20, 2010 and October 27, 2010

WEDNESDAY, DECEMBER 1, 2010

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

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

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

October 20, 2010 and October 27, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday October 18, 2010 2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook. Pro tempore: Zone.

Tuesday October 19, 2010 9:30 a.m.

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

2:00 p.m.

Employment, Affirmative Action and Training Committee: Present: Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, K. Johnson, Westbrook. *Authorized Absence:* Mitchell.

Wednesday, October 20, 2010 10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Cummins, Mitchell, Zone. *Authorized Absence:* Brady, Cleveland, Dow, Miller.

1:30 p.m.

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Polensek, Pruitt, Westbrook. *Authorized Absence:* Miller.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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