

The City Record

Official Publication of the Council of the City of Cleveland



May the Twelfth, 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
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
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
_____, 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 – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

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

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

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

DEPT. OF PERSONNEL AND HUMAN RESOURCES – 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 Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, MAY 12, 2010

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CITY COUNCIL

MONDAY, MAY 10, 2010

The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 10, 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 J. Jackson; Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Chris Warren, Chief of Regional Development; Monyka S. Price, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Andrew Watterson, Chief of Sustainability; Natoya J. Walker Minor, Chief of Public Affairs; and Directors Triozzi, Dumas, Withers, Wasik, Carroll, Flask, Cox, Rush, Rybka, Nichols, Fumich, Griffin, Brown, Interim Directors Nycole D. West and John D. Mahone, and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Rev. Ron Lee of Calvary Congregational Church, 4424 Lee Road, located in Ward 1. 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 Clerk was instructed to correct the Journal of April 21, 2010 (City Record Volume 97, Page 549) to reflect the correct sponsors of Ordinance No. 170-10 by inserting the following:

Ord. No. 170-10.

By Council Members Miller and Polensek.

An ordinance establishing the Five Points Design Review District (Map Change No. 2295, Sheet No. 7).

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

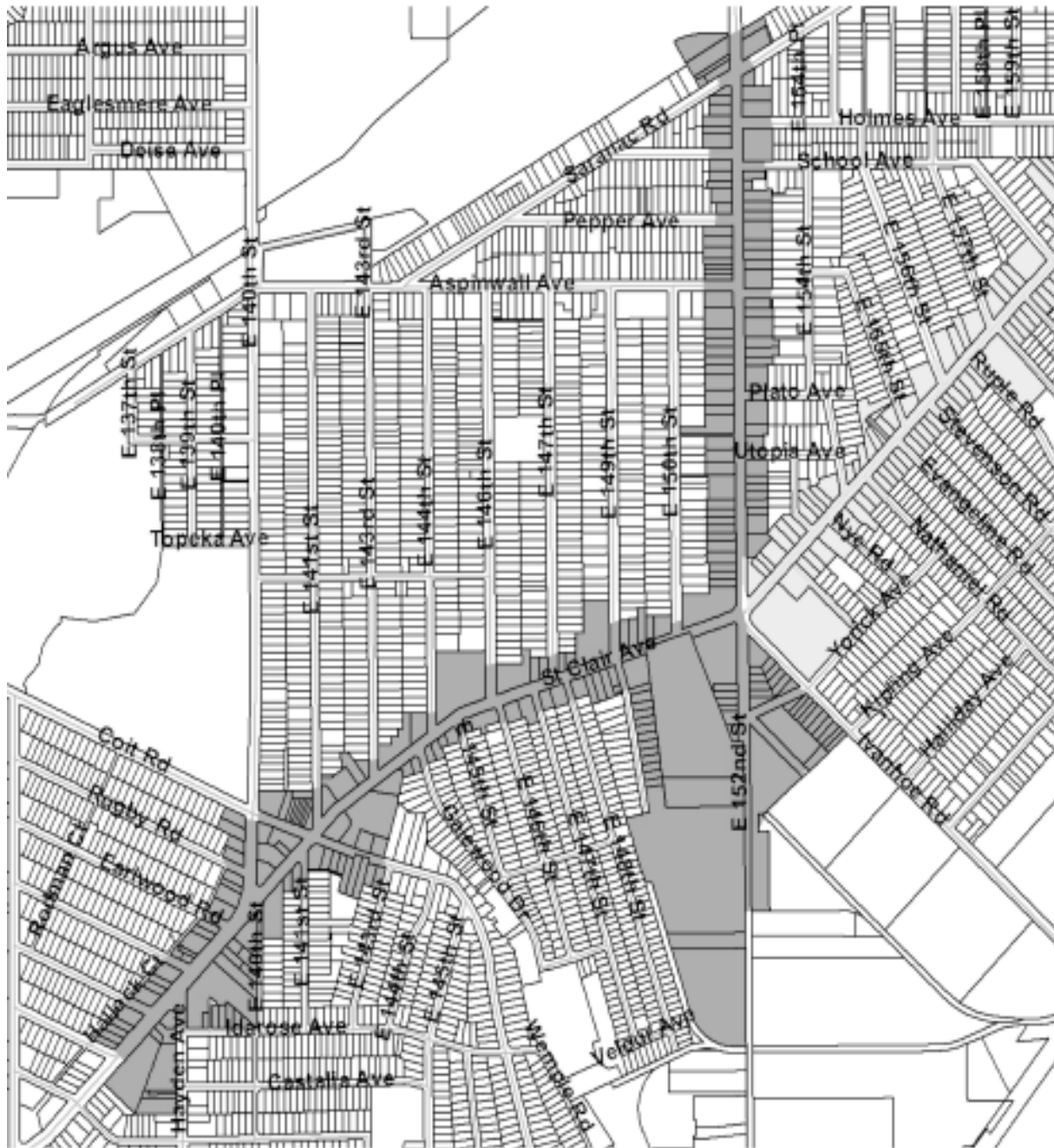
Be it ordained by the Council of the City of Cleveland:

Section 1. That the Five Points Design Review District is hereby established and includes the areas shown on the map attached.

Section 2. That the designation of the area described in Section 1 hereof as the Five Points Design Review District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

FIVE POINTS DESIGN REVIEW DISTRICT



 **NEW DESIGN REVIEW DISTRICT**

 **EXISTING DESIGN REVIEW DISTRICT**

Passed April 12, 2010
Effective May 12, 2010

Seconded by Council Member Kelley.

COMMUNICATION

File No. 629-10-A.

From Cleveland Green Homes, II, Cleveland Housing Network, Inc. — notification of residential rental development at various sites in the City of Cleveland utilizing Ohio Housing Finance Agency (OHFA) funding. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 630-10.

Re #2830807 — D2, D21X, D3, D3A, D6 Transfer of Ownership Application — 4170 Lee Road Tavern LLC, d.b.a. New Sir Rah House, 4170 Lee Road. (Ward 1). Received.

File No. 631-10.

Re #66279870010 — D5, D6 Transfer of Ownership Application — PSR Acquisition, LLC, d.b.a. Windows on the River, 2nd floor, NE Patio & Atrium, 2000 Sycamore Street, Unit 121. (Ward 3). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 632-10—Artha Woods.

Res. No. 633-10 — Dorothy Jean Ivy.

Res. No. 634-10 — Maristeen Fowler-McQueen.

Res. No. 635-10—Surdell Fryer.

Res. No. 636-10 — Maggie E. Jordan.

Res. No. 637-10 — James Bernard Jones.

Res. No. 638-10—Willa Mae Nix.

Res. No. 639-10—Troy Harley.

CONGRATULATION RESOLUTIONS

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

Res. No. 640-10—Anna M. Lark.

Res. No. 641-10—Carmine William Vincenzo.

Res. No. 642-10—Michael D. Polensek.

Res. No. 643-10 — Cuyahoga County Sheriff's Office 200th Anniversary.

Res. No. 644-10—Kevin Conwell.

RECOGNITION RESOLUTIONS

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

Res. No. 645-10 — Asian Heritage Month.

Res. No. 646-10—Norman Giles.

Res. No. 647-10—National American Corps Week - 4th Annual.

APPRECIATION RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

Res. No. 648-10 — Juanita Fleming.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 592-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of lumber and supplies, for the various divisions of City government, for a period of one year with one option to renew for an additional year, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year, with one option to renew, exercisable by the Director of Finance, of the necessary items of lumber and supplies, 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.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (Request No. RQN 1505 RL 2010-26)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of 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. 593-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more requirement contracts without competitive bidding with Dominion East Ohio for the purchase of natural gas transportation services for the City's natural gas accounts; and authorizing the purchase by one or more requirement contracts of natural gas, for the various natural gas accounts of City government, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That this Council has determined that natural gas transportation services are non-competitive and cannot be secured from any source other than Dominion East Ohio. Therefore, the Director of Finance is authorized to make one or more written requirement contracts with Dominion East Ohio, for the requirements for a period of one year, with two one-year options to renew, exercisable by the Director of Finance, to renew for an additional one-year term, for natural gas transportation services, to be purchased by the Commissioner of Purchases and Supplies on a unit basis (per Mcf), for the various divisions of City government.

Section 2. 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 the period of one year, with two one-year options to renew, exercisable by the Director of Finance, for the purchase of natural gas in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis (per Mcf) for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all City natural gas accounts as a single contract, or by separate contract for each or any combination of City natural gas accounts as the Board of Control determines. Alternate bids for a period less than the term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be certified and charged against the proper appropriation accounts in accordance with law. (Request No. RQN 1505 RL 2010-24)

Section 4. 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 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. 594-10.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 14th Street area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the West 14th Street area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. RQS 2003 RL 2010-83.

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

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

Ord. No. 595-10.

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

An emergency ordinance determining the method of making the public improvement of constructing the Briggs/West 103rd Street area sewer relief system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the Briggs/West 103rd Street area sewer relief system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. RQS 2003 RL 2010-75.

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

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

Ord. No. 596-10.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Martin Luther King, Jr. Drive area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

ited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the Martin Luther King, Jr. Drive area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. RQS 2003 RL 2010-82.

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

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

Ord. No. 597-10.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Manufacturing Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the Manufacturing Avenue area sewer system, which may include but not be limited to installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. RQS 2003 RL 2010-84.

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

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

Ord. No. 598-10.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to repair and overlay various roadways leading into Cleveland Hopkins International Airport.

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 it is declared to be in the public interest that consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to make the following improvements under the plans, specifications and estimates approved by the Director of Transportation: to repair and overlay southbound SR-237 from the Cleveland Hopkins International Airport ("Airport") entrance to Brookpark Road (SR-17), a portion of the westbound I-480 ramp into the Airport entrance, and a portion of southbound I-71 into the Airport entrance in the City of Cleveland (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the Director of

Transportation, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any item, included in the construction contracts at the request of the City, which are determined by the Director of Transportation to be ineligible or unnecessary for the Improvement.

Section 3. That the Director of Public Service is authorized to enter into agreements with the Director of Transportation necessary to complete the planning and construction of the Improvement.

Section 4. That on completion of the Improvement, the City will maintain the rights-of-way and keep them free of obstructions in a manner satisfactory to the Director of Transportation and hold the rights-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the rights-of-way.

Section 5. (a) That all existing streets and public rights-of-way within the City necessary for the Improvement shall be made available for the Improvement.

(b) That the City agrees that all rights-of-way required for the Improvement will be acquired and/or made available under current State and Federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the installation of all utility facilities on the rights-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That this Council requests the State to proceed with the Improvement.

Section 7. That the Clerk of Council is authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately on taking effect, and it shall become the basis for proceeding with the Improvement.

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

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

Ord. No. 599-10.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of Pen-Base and I-Mobile computers, equipment, and accessories, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

Section 1. That, provided the City sells the subordinate lien income tax bonds authorized by Ordinance No. 457-10, passed April 26, 2010 the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period of the necessary items of Pen-Base and I-Mobile computers, equipment, and accessories, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Emergency Medical Service, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are charged subordinate lien income tax bonds authorized by Ordinance No. 457-10 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

Section 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. 600-10.

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

An emergency ordinance to amend Section 135.332 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2393-02, passed February 3, 2003, relating to emergency medical service charges and fees.

Whereas, the cost of providing emergency medical service continues to rise at a rate that outpaces

the established fees for services provided by the Division of Emergency Medical Service;

Whereas, the City of Cleveland charges fees for emergency medical services that are below the allowable reimbursement amounts typically offered by public and private insurance plans;

Whereas, the administrative control of emergency medical service charges will provide efficient cost recovery management that will be responsive to volatile reimbursement programs and rate fluctuations; 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 Section 135.332 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by ordinance No. 2393-02, passed February 3, 2003 is amended to read as follows:

Section 135.332 Emergency Medical Service Charges; Fees

(a) The Commissioner of Emergency Medical Service shall **establish and charge a fee for each of the following ambulance services:**

- (1) Basic Life Support;
- (2) Advanced Life Support; and
- (3) Advanced Life Support II.

(b) The Commissioner may **establish and charge** such additional fees for other services rendered, not to exceed the City's costs therefor.

(c) **Any fee established under this section shall be published in the City Record and become effective ten (10) days following the date first published, or at such later date as provided by the Commissioner of Emergency Medical Service.**

Section 2. That existing Section 135.332 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by ordinance No. 2393-02, passed February 3, 2003 is repealed.

Section 3. That, notwithstanding any provision to the contrary, all fees enacted and in effect prior to the effective date of this ordinance, or as otherwise previously established as provided for by law, shall remain in full force and effect until such fee is repealed or adjusted by the Commissioner of Emergency Medical Service in accordance with division (c) of Section 135.332.

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, Legislation, Finance.

Ord. No. 601-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with

Cleveland Housing Network, Inc., a designated Community Housing Development Organization (CHDO), to provide operating support for its activities in the development, management and sales of affordable housing for low income persons through the use of HOME CHDO set-aside funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into contract with Cleveland Housing Network, Inc. a designated Community Housing Development Organization (CHDO), to provide operating support for its activities in the development, management and sales of affordable housing for low income persons through the use of HOME CHDO set-aside funds.

Section 2. That the cost of the contracts authorized shall not exceed \$150,000 and shall be paid from Fund No. 19 SF 610, RQS 8006 RL 2010-98.

Section 3. That the contract shall be prepared by the Director of Law.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 602-10.

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

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to lease space from the Greater New Calvary Baptist Church to provide facilities for recreation activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide social service programs.

Section 2. That the Director of Community Relations is authorized to enter into or amend contracts with various non-profit agencies to provide youth at risk programs.

Section 3. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Parks, Recreation and Properties is authorized to lease from the Greater New Calvary Baptist Church, a gym located at 822 East 150th Street, Cleveland, Ohio, for a period of one year.

Section 4. That the rent for the lease shall be \$9,900 per year; that the lease may provide for the City to pay for the installation and operating cost of utility services to the leased premises; that the lease shall be for the purpose of providing a facility for recreation activities; and that the lease shall be prepared by the Director of Law.

Section 5. That the Director of Community Development is authorized to enter into Memoranda of Understandings with the Directors of Community Relations and Parks, Recreation and Properties for the purposes described in this ordinance.

Section 6. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional social service activities and the program income is appropriated for those purposes.

Section 7. That the total cost of the contracts authorized by this ordinance shall not exceed \$1,800,000.00 and shall be paid from Fund Nos. 14 SF 036, RQS 8006 RL 2010-101.

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

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

Ord. No. 603-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

Section 2. That the cost of the contracts authorized in this ordinance shall not exceed \$1,873,000.00, and

shall be paid from Fund No. 14 SF 036, RQS 8006 RL 2010-100.

Section 3. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial, real estate development and other CDBG eligible activities, and the program income is appropriated for those purposes.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

Section 5. That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 604-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with CDBG-eligible agencies to implement the Cityworks 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 Community Development is authorized to enter into one or more contracts with various CDBG-eligible agencies to implement the Cityworks Program.

Section 2. That the aggregate cost of the contracts authorized in this ordinance shall not exceed \$100,000.00, and any prior years CDBG Cityworks program balances, and shall be paid from Fund No. 14 SF 036, RQS 8006 RL 2010-099.

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. 605-10.

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

An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into an amendment to Contract No. 57841 with Fries & Schuele, Ltd. to extend the project's timeline and to modify the loan maturity date and repayment terms.

Whereas, under Ordinance No. 219-01, passed March 19, 2001, this Council authorized the Directors of Economic Development and Community Development to enter into Neighborhood Development Investment Fund contracts with Fries & Schuele, Ltd. and Carrol Development, Ltd. to provide economic development assistance to partially finance the rehabilitation of the Fries & Schuele Building and the construction of a mixed-use condominium and parking structure adjacent to the Fries & Schuele Building located in Cleveland, Ohio; and

Whereas, the loan with Fries & Schuele, Contract No. 57841, matures on June 1, 2010; and

Whereas, due to current market conditions, amendments to Contract No. 57841 are desired to extend the project's timeline and to modify the loan maturity date and the repayment terms; and

Whereas, all creditors are in agreement to these modifications; 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 Directors of Economic Development and Community Development are authorized to enter into an amendment to Contract No. 57841 with Fries & Schuele, Ltd. in accordance with the summary placed in File No. 605-10-A.

Section 2. That the contract amendment shall be prepared by the Director of Law.

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

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

Ord. No. 606-10.

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

An emergency ordinance to amend Sections 5 and 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by various ordinances, relating to one or more contracts with West Sixth Associates Limited Partnership and Grand Arcade Ltd.

to accept discount prepayments of the loans regarding financial assistance to the Grand Arcade Project at West 6th Street and St. Clair and to create the Neighborhood Retail Assistance Program.

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

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

Section 1. That Sections 5 and 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by Ordinance No. 1826-07, passed December 3, 2007, Ordinance No. 553-08, passed June 2, 2008, and Ordinance No. 192-09, passed March 16, 2009, are amended to read as follows:

Section 5. That the Director of Economic Development is authorized to create a Neighborhood Retail Assistance Program to provide financial assistance to small businesses, merchants, or local farmers that sell to local markets and restaurants, to various nonprofit entities to benefit for-profit retail businesses, merchants, or farmers, located on commercial streets, or residential lots of the City, and to locally-owned retail businesses and merchants relocating to or expanding at Cleveland Hopkins International Airport. Eligible uses of the financial assistance may include, but are not limited to, making interior renovations, making leasehold improvements, purchasing machinery, equipment, furniture, fixtures, booths, irrigation systems, greenhouses, tools, and conducting marketing and research studies.

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

Section 2. That existing Sections 5 and 8 of Ordinance No. 2156-05, passed December 4, 2005, as amended by Ordinance No. 1826-07, passed December 3, 2007, Ordinance No. 553-08, passed June 2, 2008, and Ordinance No. 192-09, passed March 16, 2009, are repealed.

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

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

Ord. No. 607-10.

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property, including but

not limited to improvements at Market Square Park, Zone Recreation Center Greenspace, League Park, and South Collinwood Community Center, including site improvements and appurtenances; authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Parks, Recreation and Properties.

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, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures on City-owned and City-leased park property, including but not limited to improvements at building or structural improvements at League Park, and South Collinwood Community Center, including all site improvements and appurtenances necessary and incidental, for the Department of Parks, Recreation and Properties, 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, provided the City of Cleveland sells the subordinate lien income tax bonds authorized by Ordinance No. 458-10, passed April 26, 2010, the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including but not limited to Market Square Park, Zone Recreation Center Greenspace, and land improvements at League Park, including all site improve-

ments and appurtenances necessary and incidental, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City of Cleveland sells the subordinate lien income tax bonds authorized by Ordinance No. 458-10, passed April 26, 2010, the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That, provided the City of Cleveland sells the subordinate lien income tax bonds authorized by Ordinance No. 458-10, passed April 26, 2010, the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement, including the rental of necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Parks, Recreation and Properties.

Section 6. That, provided the City of Cleveland sells subordinate lien income tax bonds authorized by Ordinance No. 458-10, passed April 26, 2010, the Director of Parks, Recreation and Properties is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling the 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 Parks, Recreation and Properties and certified by the Director of Finance.

Section 7. That, provided the City of Cleveland sells the subordinate lien income tax bonds authorized by Ordinance No. 458-10, passed April 26, 2010, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and play-

grounds, on City-owned and City-leased park property including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2 and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

Section 8. That the Director of Parks, Recreation and Properties 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 9. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Parks, Recreation and Properties may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of subordinate lien income tax bonds authorized by Ordinance No. 458-10, passed April 26, 2010, if the City sells such bonds, and from Fund Nos. 20 SF 377, 20 SF 381, 20 SF 392, 20 SF 382, 20 SF 391, 20 SF 501, 20 SF 503, 20 SF 504, 20 SF 508, 20 SF 509, 20 SF 516, 20 SF 517, 20 SF 523, and from any other fund appropriate for this purpose.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 608-10.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 108th Street to Bobbie Woods and Rosie L. Woods.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of

Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

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

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

P. P. No. 136-17-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 77 in G.G. Pickering and C.D. Bishop Allotment of part of Original One Hundred Acre Lot No. 466, as shown by the recorded plat in Volume 7 of Maps, Page 35 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 108th Street (formerly Howard Street), and extending back 134 4-1/3 feet on the Southerly line, 134-5 9/10 feet on the Northerly 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.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 609-10.

By Council Member Mitchell.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on a 11813 Cromwell Avenue to Brian Malby.

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

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

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

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

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

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

P. P. No. 129-09-159

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 132 in The Crawford Realty Companies Re-Subdivision of part of the Van Sweringen Companies Transit Heights Subdivision of part of Original One Hundred Acre Lot No. 420, 428 and 429 as shown by the recorded plat in Volume 48 of Maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Northerly side of Cromwell Avenue S.E. and extending back 110.94 feet on the Easterly line, 111.53 feet on the Westerly line and having a rear line of 40.01 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 619-10.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for reconstructing Fulton Road from Denison Avenue to Clark Avenue; authorizing the Director of Public Service to hire one or more consultants for design, engineering and construction services; determining the method of making the public improvement of reconstructing Fulton Road; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$4,390,400, from the Ohio Public Works Commission, acting by and through its Director to finance the public improvement of reconstructing Fulton Road from Denison Avenue to Clark Avenue (the "Improvement"); that the Mayor 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 this ordinance.

Section 2. That the City of Cleveland is obligated to provide cash matching funds in the amount of the local share.

Section 3. That the Director of Public Service 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 design, engineering and construction services necessary for 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 Public Service from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Service 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 shall be prepared by the Director of Law, approved by the Director of Public Service and certified by the Director of Finance.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 5. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 6. That the Director of Public Service is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the improvement. That the Director of Public Service is authorized to enter into agreements with the entities for this purpose.

Section 7. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 8. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of the property.

Section 9. That the cost of the contracts, payments, property acquisition, cash match, and other expenditures authorized shall be paid

from the fund or funds which are credited any grant proceeds, proceeds from the sale of subordinate lien income tax bonds authorized by Ordinance No. 459-10, passed April 26, 2010, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds deemed appropriate by the Director of Finance.

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

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

Ord. No. 620-10.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more contracts with the Cleveland Rowing Foundation, to provide economic development assistance to partially finance the acquisition and renovation of property located at 1785 Merwin Avenue, and other associated costs necessary for redevelopment of the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into one or more contracts with the Cleveland Rowing Foundation to provide economic development assistance to partially finance the acquisition and renovation of property located at 1785 Merwin Avenue and other associated costs necessary for redevelopment of the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 620-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the loan shall not exceed Three Hundred Thousand Dollars (\$300,000), payable from Fund No. 17 SF 008, Request No. RQS 9501 RL 2010-96.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305.

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

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

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

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

Ord. No. 622-10.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 19611 Arrowhead Avenue to Gwendolyn Davis.

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

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

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

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

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

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

P. P. No. 114-17-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot Nos. 834 and 835 in the Berwick Extension Subdivision of part of Original Euclid Township Lot No. 10, Tract 17, and all of Original Euclid Township Lot No. 10, Tract No. 17, as shown by the recorded plat in Volume 28 of Maps, Page 14 of Cuyahoga County Records, together forming a parcel of land having a frontage of 50 feet on the Northerly side of Arrowhead Avenue, N.E., (formerly Preston Avenue), and extending back of equal width 109 feet along the Westerly side of East 197th Street, be the same more or less, but subject to all legal highways.

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

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 610-10.

By Council Members Cimperman, Miller, Cleveland and Sweeney (By Request).

An emergency resolution declaring the intent to vacate a portion of Perry Court N.E. (12 feet wide) extending from the easterly right of way line of East 25th Street (66 feet wide) to the westerly right of way line of East 26th Street (66 feet wide).

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

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

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

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

Situated in the State of Ohio, County of Cuyahoga and City of Cleveland and known as being part of ten acre lots 110, 111, 112 and 113 in the Perry and Payne's Subdivision as recorded in volume 2, page 29 of Cuyahoga County Map Records and described as follows:

Being all that portion of Perry Court N.E. (12 feet wide) extending from the easterly right of way line of East 25th Street (66 feet wide) to the westerly right of way line of East 26th Street (66 feet wide).

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

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

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

Res. No. 621-10.

By Council Member Zone.

An emergency resolution approving the formation of the Gordon Square Arts District — Cleveland Improvement District as a Special Improvement District in the City; accepting petitions from owners of property in the proposed District; approving the Articles of Incorporation of the Gordon Square Arts District — Cleveland Improvement Corporation; and approving the initial plan for public services; declaring it necessary to provide for cleaning and maintenance of the public rights-of-way within the Gordon Square Arts District — Cleveland Improvement District, additional security for the Gordon Square Arts District — Cleveland Improvement District, and collective marketing of the Gordon Square Arts District - Cleveland Improvement District; and providing for the assessment of the cost and expense of such work upon benefited property in the Gordon Square Arts District — Cleveland Improvement District and declaring an emergency.

Whereas, Chapter 1710 of the Ohio Revised Code (the "Revised Code") authorizes the formation of special improvement districts within the boundaries of a municipality by petition of property owners in a district and approval by the municipality for the purpose of developing and implementing plans for public improvements and public services that benefit a district; and

Whereas, owners of sixty percent or more of the front footage of property that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the proposed Gordon Square Arts District — Cleveland Improvement District (the "District") excluding certain property as pro-

vided in Section 1710.02(E) of the Revised Code, have signed a petition (the "Petitions") requesting that the City of Cleveland ("the City") create the District consisting generally of that portion of the City that abuts upon Detroit Avenue and is bounded on the East by West 58th Street; and on the West by West 73rd Street; and

Whereas, the District is to be governed by the Gordon Square Arts District — Cleveland Improvement Corporation (the "Corporation"), an Ohio nonprofit corporation to be formed under Chapters 1702 and 1710 of the Revised Code; and

Whereas, under Section 1710.02(F) of the Revised Code, the petitioners have proposed an initial plan for public services benefitting all of the District (the "Plan") and have submitted the Plan as part of its petition proposing creation of the District; and

Whereas, the Petitions, with the Articles of Incorporation of the Corporation (the "Articles") and the Plan, have been filed with the Clerk of Council and the Mayor of the City; and

Whereas, under Section 1710.02(E) of the Revised Code, the Petitions, including the Articles of Incorporation, are to be approved or disapproved by resolution of the Council within sixty days of the filing of the Petitions with the City; 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 the Petitions and the Articles referred to in the preambles of this resolution and on file in File No. 621-10-A are approved.

Section 2. That, under Chapter 1710 of the Revised Code, the Petitions and the Articles, there is hereby established in the City a special improvement district to be known as the Gordon Square Arts District — Cleveland Improvement District, whose boundaries shall be as follows:

GORDON SQUARE ARTS DISTRICT — CLEVELAND IMPROVEMENT DISTRICT

Along Detroit Avenue, bounded on the East by West 58th Street; and on the West by West 73rd Street, as more particularly described in the Articles of Incorporation on file with the Clerk of Council.

Section 3. That the Plan submitted as part of the Petitions placed in the above-mentioned file is approved.

Section 4. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City to provide additional cleaning and maintenance of the public rights-of-way within the District, additional security for the District, and collective marketing of the District for a five-year period commencing after passage of the ordinance to proceed in this matter.

Section 5. That it is determined that the property contained within the District will be specially benefited by the above described public services and shall be assessed to pay for the cost of the services, calculated in proportion to the benefits that may result from the services.

Section 6. That the Plan placed in the above-mentioned in the above mentioned file is approved at an estimated cost of \$600,000.

Section 7. That the entire cost of the Plan in the District be specially assessed in proportion to the benefits

that may result from the services within the District. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

Section 8. That the assessments to be levied shall be paid when levied in five annual installments. The first through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2011 through 2015. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Auditor on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 9. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessments.

Section 10. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

Section 11. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 12. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 611-10.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Aetna Race for Kids, on June 20, 2010, sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Aetna Race for Kids, sponsored by Hermes Sports & Events, on June 20, 2010, start: Progressive Field to Ontario, Ontario to Carnegie/Lorain, Carnegie/Lorain to W. 25th, W. 25th to Detroit, Detroit across Veterans Bridge to Huron, Huron to E. 6th, E. 6th to Gateway Plaza to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 612-10.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the American Lung Association's Annual Walk, on May 22, 2010, sponsored by the American Lung Association.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the American Lung Association's Annual Walk, sponsored by the American Lung Association on May 22, 2010, Start: Burke Lakefront Airport, N. Marginal to E. 9th to Voinovich Park E. 9th to Superior, Superior to W. 9th, W. 9th to St. Clair, St. Clair to W. 3rd W. 3rd around stadium, to Erieside, Erieside across E. 9th to N. Marginal to finish at Burke Airport, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

Ord. No. 613-10.

By Council Members Cimperman and Polensek.

An emergency ordinance consenting and approving the issuance of a permit for the Crohns & Colitis Walk, on June 19, 2010, sponsored by Crohns & Colitis Foundation.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Crohns & Colitis Walk, beginning at Gateway Plaza around both Quicken Loan Arena, and Progressive Field, staying on sidewalk as much as possible, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 614-10.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Westside Catholic Center Run on June 12, 2010, sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Westside Catholic Center Run, sponsored by Hermes Sports & Events on June 12, 2010, starting at WSCC on Lorain; Lorain to Fulton Road; Fulton to Franklin Blvd.; Franklin Blvd. to West 65th; turn around, Franklin Blvd. to West 38th; West 38th to Lorain; Lorain to WSCC — finish, provided that the applicant sponsor

shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 615-10.

By Council Member Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch one (1) banner at Ford Drive, for the period from May 10, 2010 to May 30, 2010, inclusive, publicizing the 41st Hessler Street Fair.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Hessler Neighborhood Association to install, maintain and remove one banner at Ford Drive, for a period from May 10, 2010 to May 30, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 616-10.

By Council Members Mitchell, Conwell, J. Johnson, Cimperman, Cummins, Zone, Westbrook and Sweeney.

An emergency ordinance consenting and approving the issuance of a permit for the Rite Aid Cleveland Marathon, May 16, 2010, sponsored by Cleveland Marathon, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the RiteAid Cleveland Marathon sponsored by Cleveland Marathon, Inc. on May 16, 2010, with the **Full Marathon starting at East 9th in front of the Galleria; N. on 9th; W. on Erieside; N. on Erieside; W. on Erieside; S. on West 3rd; W. on Lakeside; S. on W. 6th; W. 6th turns into Prospect; S. on Ontario; SW on exit ramp to Carnegie; W. on Carnegie; W. on Lorain; N. 38th; W. on Detroit; W. on Lake; N. on Cove; E. on Edgewater; E. on ramp to Cleveland Memorial (Shoreway); E. On Cleveland Memorial (Shoreway); exit Shoreway from west bound entrance ramp on Lakeside; N. on W. 3rd; E. on Alfred Lerner Way; E. on Erieside (south side of Browns Stadium); E. on N. Marginal; around south side on path at end of N. Marginal S. on Martin Luther King; S. on East Blvd.; S. on E. 105; N. on MLK; W. on St. Clair; S. on E. 40th, W. on Euclid, N. on E. 18th, W. on Lakeside; finish on Lakeside between Willard Park and City Hall, **Half Maraton starting at 9th in front of Galleria; N. on 9th; W. on Erieside; N. on Erieside; W. on Erieside; S. on West 3rd; W. on Lakeside; S. on W. 6th; W. 6th turns into Prospect; S. on Ontario; S.W. on exit ramp to Carnegie; W. on Carnegie; W. on Lorain; N. 38th; W. on Detroit; W. on Lake; N. on Cove; E. on Edgewater; E. on ramp to Cleveland Memorial (Shoreway); E. on Cleveland Memorial (Shoreway); take on ramp from Lakeside to Lakeside; S. on W. 3rd; E. on St. Clair; N. on 9th; E. on Lakeside; finish on Lakeside between Willard Park and City Hall, **5K Marathon starting at on street in front of Shooters Parking Lot; W. on Main; Right on Elm; Left on Hemlock; left on Mulberry; right on Main; left on W. 25; right on Detroit, left on W. 45; left on Franklin; left on W. 25; right on Main; left on Mulberry; right on Hemlock; right on Elm; left on Main; finish by entrance to Shooters, **10K Marathon starting on, 9th in front of Galleria; N. on 9th; E. on N. Marginal Drive; take off-ramp to 55th; S. on 55th; W. on S. Marginal Drive; turnaround at Amtrack Station; E. on off-ramp to E. 9th; S. on 9th; W. on Lakeside; finish on Lakeside by Stamp in Willard Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be********

necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 617-10.

By Council Member Cimperman.

An emergency ordinance to amend Section 10 of Ordinance No. 808-09, passed June 8, 2009, relating to making the public improvement of constructing a bike station in Gateway North Garage and authorizing a Lease By Way of Concession for the operation of the bike station with Downtown Cleveland Alliance and other professional consultants 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 Section 10 of Ordinance No. 808-09, passed June 8, 2009, is amended to read as follows:

Section 10. That the cost of the contracts authorized shall be paid from Fund Nos. **20 SF 379, 20 SF 381, 20 SF 391, 20 SF 393, 20 SF 503, 20 SF 505, 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 526, 20 SF 646, and 20 SF 670.** Request No. 112433 and **RQS 0117 RL 2010-117.**

Section 2. That existing Section 10 of Ordinance No. 808-09, passed June 8, 2009, is repealed.

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

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. 618-10.

By Council Member Zone.

An emergency ordinance to amend Section 5 of Ordinance No. 555-09, passed June 8, 2009, relating to making the public improvement of rehabilitating, renovating or otherwise altering the City-owned former Coast Guard station building on Whiskey Island and authorizing design services.

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

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

Section 1. That Section 5 of Ordinance No. 555-09, passed June 8, 2009, is amended to read as follows:

Section 5. That the cost of the contracts authorized shall be paid from Fund Nos. **20 SF 381, 20 SF 391, 20 SF 457, 20 SF 503, 20 SF 509, 20 SF 517, and 20 SF 524.** Request No. 112430 and **RQS 0117 RL 2010-118.**

Section 2. That existing Section 5 of Ordinance No. 555-09, passed June 8, 2009, is repealed.

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

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. 623-10.

By Council Member J. Johnson.

An emergency ordinance amending Section 1 of Ordinance No. 1566-09 passed October 26, 2009 as it pertains to the Famicos Foundation Senior Transportation Program through the use of Ward 8 Neighborhood Capital Funds.

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

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

Section 1. That Section 1 of Ordinance No. 1566-09 passed October 26, 2009 is hereby amended to read as follows:

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement **effective July 1, 2009 with Famicos Foundation for the Senior Transportation Program** for the public purpose of providing transportation assistance to needy senior citizens that reside in the city of Cleveland who are in need of transportation services through the use of Ward 8 Neighborhood Capital Funds.

Section 2. That Section 1 of Ordinance No. 1566-09 passed October 26, 2009 is hereby repealed.

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

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. 624-10.

By Council Member Cimperman.

An emergency resolution supporting the goals and ideals for the 2010 Census and disseminating 2010 Census information to encourage participation; acknowledging the efforts of the City Planning Commission in working together with City Council and other partners to achieve an accurate and complete count; and encouraging people in our community to participate in events and initiatives that will raise the overall awareness of the 2010 Census and increase participation among all populations.

Whereas, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

Whereas, the City of Cleveland is committed to ensuring every resident is counted;

Whereas, more than \$400 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data, including health care, community development, housing, education, transportation, social services, employment and much more;

Whereas, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts;

Whereas, the 2010 Census creates hundreds of thousands of jobs across the nation;

Whereas, every Census Bureau worker takes a lifetime oath to protect confidentiality, and the Census Bureau ensures that the data identifying respondents or their household not be released or shared for 72 years;

Whereas, a united voice from business, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census;

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

Section 1. That this Council supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation; acknowledging the efforts of the City Planning Commission in working together with City Council and other partners to achieve an accurate and complete count; and encourages people in our community to participate in events and initiatives that will raise the overall awareness of the 2010 Census and increase participation among all populations.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the US Census Bureau, the 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. 625-10.

By Council Member Brady.

An emergency resolution objecting to a New C2 Liquor Permit at 4281 West 130th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Walgreen Co., DBA Walgreen's, #03234, 4281 West 130th Street, Cleveland, Ohio 44135, Permanent Number 935794103234; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Walgreen Co., DBA Walgreen's, #03234, 4281 West 130th Street, Cleveland, Ohio 44135, Permanent Number 935794103234; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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. 626-10.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 1313 West 6th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Albi, Inc., DBA West Sixth Market, 1313 West 6th Street, 1st floor and patio, Cleveland, Ohio 44113, Permanent Number 00895360005 to Spaci, Inc., DBA West Sixth Market, 1st floor and patio, 1313 West Sixth Street, Cleveland, Ohio 44113, Permanent Number 8398803; and

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

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

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

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

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

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

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

must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Albi, Inc., DBA West Sixth Market, 1313 West 6th Street, 1st floor and patio, Cleveland, Ohio 44113, Permanent Number 00895360005 to Spaci, Inc., DBA West Sixth Market, 1st floor and patio, 1313 West Sixth Street, Cleveland, Ohio 44113, Permanent Number 8398803; 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. 627-10.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1382 West 9th Street, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from La Bodega Cleveland OH, LLC, Suite 100 & patio, 1382 West 9th Street, 1st floor, Cleveland, Ohio 44113, Permanent Number 4949255 to Mosaica Grill, LLC, Suite 100 & patio, 1382 West 9th Street, 1st floor, Cleveland, Ohio 44113, Permanent Number 6186947; 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 D1, D2, D3, D3A and D6 Liquor Permit from La Bodega Cleveland OH, LLC, Suite 100 & patio, 1382 West 9th Street, 1st floor, Cleveland, Ohio 44113, Permanent Number 4949255 to Mosaica Grill, LLC, Suite 100 & patio, 1382 West 9th Street, 1st floor, Cleveland, Ohio 44113, Permanent Number 6186947; 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. 628-10.

By Council Member Dow.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 9108 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Felton Smith, 9108 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44106, Permanent Number 8277094 to Tracy Johnson, DBA Superior Deli, 9108 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 4337539; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Felton Smith, 9108 Superior Avenue, 1st floor and basement, Cleveland, Ohio 44106, Permanent Number 8277094 to Tracy Johnson, DBA Superior Deli, 9108 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 4337539; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1076-09.

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

An emergency ordinance to amend Section 623.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 791-09, passed July 1, 2009, relating to criminal trespass upon the land or premises of another on which a vacant and vandalized building is situated.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Legislation, Finance, when amended as follows:

1. In the title, line 5, after "upon" and in Section 1, at amended Section 623.04(a)(6), line 1, after "remain", insert in both places "**on vacant land of another, or**".

Amendment agreed to.

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

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

Ord. No. 1715-09.

By Council Members K. Johnson, Polensek, Dow, Cimperman and Sweeney (by departmental request).

An emergency ordinance to amend Sections 559.13 and 559.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 109-56, passed February 11, 1957, relating to the Cultural Gardens to add the Bruot Gate and Walk to the Shakespeare Garden and to designate the Croatian Garden.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Properties and Recreation, Legislation, Finance.

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

Ord. No. 12-10.

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

An emergency ordinance to amend Section 395.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to unnecessary fire alarms and charges.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Legislation, Finance, when amended as follows:

1. In Section 1, at amended Section 395.02, insert new division (a) to read as follows:

"(a) Upon the occurrence of a second unnecessary alarm at a particular location in a given calendar year, the Fire Chief shall cause a letter to be sent via regular U.S. mail to the alarm system location stating that the person(s) responsible for the alarm system as identified in division (c) may be invoiced

under the authority of this section for reimbursement of a portion of the costs of responding to the third and any subsequent unnecessary alarm."

2. In Section 1, at amended Section 395.02, reletter existing divisions (a), (b), and (c) to new "**(b)**", "**(c)**" and "**(d)**".

3. In Section 1, at amended Section 392.05, in existing division (a), line 3, strike "division (b)" and insert "**division (c)**".

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. 204-10.

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

An emergency ordinance to amend Section 605.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, relating to making false alarms.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Legislation, Finance, when amended as follows:

1. In Section 1, at amended Section 605.07(a)(4), line 2, strike the semicolon after "exists" and insert a period; and strike division (a)(5) in its entirety.

2. In Section 1, at amended Section 605.07, strike division (c) in its entirety and reletter division "(d)" to new division "**(c)**".

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. 305-10.

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

An emergency ordinance to amend Sections 135.16, 135.17, 135.18, 135.180, 603.02, 603A.04 and 604.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, changing the name of the Division of Dog Pound to the Division of Animal Control Services.

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

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

Ord. No. 410-10.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more agreements with Cuyahoga County for the use of the Ameritrust Building, located

at 900 Euclid Avenue for training purposes for the Division of Fire, Department of Public Safety, for a period of one year.

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

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

Ord. No. 411-10.

By Council Member Dow.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Addison Road and Wade Park Avenue to Eliza Bryant Village.

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. 412-10.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1102 Superior Avenue to Maher A. Suleiman.

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. 413-10.

By Council Member Mitchell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 116th Street to Louis Golphin.

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. 443-10.

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 Youth Opportunities Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment 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. 445-10.

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

An emergency ordinance to amend Section 11 of Ordinance No. 1659-08, passed December 8, 2008, relating to the establishment of the Energy Efficiency and Conservation Program, to provide for additional funding sources for the 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. 446-10.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to perform services to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority; and to repeal Ordinance No. 762-09, passed August 5, 2009, relating to requirement contracts for these services.

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

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

Ord. No. 447-10.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts with Siemens Building Technologies, Inc. for labor and materials necessary to maintain, repair and expand the existing Building Automation System, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed three years.

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

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

Ord. No. 449-10.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2009-10 school year.

Approved by Directors of Parks, Recreation, and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Finance.

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

Ord. No. 450-10.

By Council Member Dow.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Eleanor B. Rainey Memorial Institute, Inc.

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

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

Ord. No. 455-10.

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

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Village of Linndale, Ohio to provide emergency medical services within the Village of Linndale, for a period of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Linndale.

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

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

Ord. No. 456-10.

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, computer software developers, or vendors to acquire licenses or to develop an energy data management system, and other professional services necessary to implement the system, including project management, installing, designing, training, testing, maintenance, technical support, and other related issues; and authorizing the purchase by one or more contracts of computer hardware, servers, and other materials, equipment, supplies, and services needed to implement the management system, 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. 498-10.

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

An emergency ordinance to amend Section 2 of Ordinance No. 589-09,

passed June 1, 2009, relating to the public improvement of renovating and upgrading the Runway Safety Area for Runway 10-28 at Cleveland Hopkins International Airport, and other related contracts.

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

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

Ord. No. 502-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed fifteen months.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 503-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance, when amended as follows:

1. In the title, at the end, strike the period and insert “, **provide leadership training, and conduct city-wide summer tennis programs.**”.

2. In Section 1, line 4, after “centers” insert “, **provide leadership training, and conduct city-wide summer tennis programs.**”.

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. 504-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program.

Approved by Directors of Parks, Recreation and Properties, Finance,

Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 505-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 506-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

Ord. No. 507-10.

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

An emergency ordinance appropriating Community Development Block Grant and NEF Administrative Cost funds for administrative expenses of the Department of Community Development; authorizing the director to enter into one or more contracts with Executive Information Systems, LLC for SAS software maintenance, for a period not to exceed two years.

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. 508-10.

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

An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards.

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. 509-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

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. 520-10.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

Approved by Directors of Community Development, Aging, 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. 521-10.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 730 East 155th Street to Most Reverend Richard G. Lennon, Bishop of the Diocese of Cleveland.

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.

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 261-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of water revenue obligations in the maximum

principal amount of \$50,000,000 to fund costs of acquiring automated water meter reading infrastructure and authorizing related matters.

Read third time in full. Passed. Yeas 12. Nays 7.

Those voting yea: Council Members Sweeney, Cimperman, Cleveland, Conwell, Cummins, Dow, K. Johnson, Kelley, Mitchell, Pruitt, Westbrook and Zone.

Those voting nay: Council Members Brady, Brancatelli, J. Johnson, Keane, Miller, Polensek and Reed.

Ord. No. 513-10.

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

An emergency ordinance to amend the title and Sections 1, 2, 3, 4, 7 and 8 of Ordinance No. 775-07, passed July 11, 2007, relating to the Automatic Meter Reading System Program; authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide funding for the Program; and to authorize the Director of Public Utilities to enter into an amendment to Contract No. 67994 with CH2M Hill, Inc. to provide project administration services for the implementation of the program.

Read third time in full. Passed. Yeas 12. Nays 7.

Those voting yea: Council Members Sweeney, Cimperman, Cleveland, Conwell, Cummins, Dow, K. Johnson, Kelley, Mitchell, Pruitt, Westbrook and Zone.

Those voting nay: Council Members Brady, Brancatelli, J. Johnson, Keane, Miller, Polensek and Reed.

MOTION

The Council Meeting adjourned at 8:45 p.m. to meet on Monday, May 17, 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

May 5, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 5, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director Thornton, Director

Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker, Acting Director, Office of Equal Opportunity.

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

Resolution No. 166-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of GM Industrial Inc., dba Chemsafe International, for an estimated quantity of janitorial supplies, for Group A for all items and Group B for items 11, 20, 25, 26, 30, 31, 34a, 36-38, 46, 51-53, 57, 60, 62-63, 66, 68, 73, 74a-74d, 75a-75d, 76, 78, 79, 80, 81, 85-86, 89-90, 92-93a-93c, 94a-94c, 95-96, 99a, 103, 106, 123, 127a-127d, 128-131, 133-134, 136, 137, for the various divisions of City government, for a period of two years, beginning with the date of execution of the contract, with an option to renew for one additional year, received on April 9, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$284,361.75, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$14,218.10.

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, Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 167-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Graham Enterprises, Inc., dba Aries Distribution, for an estimated quantity of janitorial supplies, for Group B for items 10, 12-19, 19a, 21, 22-24, 27-29, 32-35, 39-45, 47-50, 54-56, 58-59, 61, 64-65, 67, 69, 72, 77, 82, 84, 87, 88, 91a-91c, 97-99, 100-102, 104, 107, 108, 108a, 109, 109a, 110, 110a, 111-113, 115-116, 118, 122, 124, 126, for the various divisions of City government, for a period of two years, beginning with the date of execution of the contract, with an option to renew for one additional year, received on April 9, 2010, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$168,329.47, is affirmed and approved as the lowest and best bid, and the

Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$8,416.49.

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, Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 168-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 1080-99, passed by the Cleveland City Council on May 22, 2000, and Board of Control Resolution No. 808-00, adopted December 6, 2000, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. 57651 with Montgomery Watson Americas, Inc. to acquire implementation consultant services for the Citywide Geographic Information System Program, for the various divisions of City Government; and

Whereas, division (c) of Section 181.102 C.O. of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section No. 181.102 C.O., passed by the Council of the City of Cleveland on June 9, 2008, the City entered into a contract with Environmental Systems Research Institute, Inc. (ESRI), Contract No. 69170, to obtain professional services licenses for software needed to maintain the System necessary for support and maintenance for the citywide GIS software and applications; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a one year agreement with Environmental Systems Research Institute, Inc. (ESRI) commencing May 16, 2010, to obtain the licenses for software and professional services necessary to support and maintain the citywide GIS software and applications obtained under Contract No. 57651; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid for soft-

ware licenses, support and maintenance to be performed under the one-year agreement with Environmental Systems Research Institute, Inc. (ESRI) for the citywide GIS software and applications, entered into under the authority of Section 181.102 C.O., is fixed at \$200,896.00.

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

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 169-10.

By Director Withers.

Whereas, under the authority of Ordinances No. 1068-98, passed by the Cleveland City Council on August 19, 1998, the City of Cleveland, through the Director of Public Utilities, entered into an agreement with Mincom, Inc., City Contract No. 59158, to obtain a work management software system as part of the design and implementation of a five-year information technology plan, for the Division of Water, Department of Public Utilities; and

Whereas, division (c) of Section 181.102 C.O. of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software system, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Ordinance No. 806-08, passed by the Council of the City of Cleveland on June 9, 2008, the City entered into a contract with Mincom, Inc., Contract No. 68257, to obtain professional maintenance and technical support services and licenses necessary to implement and maintain the Mincom, Inc. work management system software; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a one year agreement with Mincom, Inc. starting March 26, 2010 through March 25, 2011, to continue to obtain the professional maintenance and technical support services and licenses necessary to implement and maintain the Mincom work management system software obtained under Contract No. 59158; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid Mincom, Inc. under the one-year agreement for maintenance and technical support services and licenses necessary to implement and maintain the Mincom work management system software, entered into under the authority of Section 181.102 C.O., is fixed at \$288,967.19.

Yeas: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Acting Direc-

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

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 170-10.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Vandra Brothers Construction, Inc. for the public improvement of Broadway Avenue Rehabilitation, for the Division of Engineering and Construction, Department of Public Service, received on March 24, 2010, under the authority of Ordinance No. 687-08, passed by the Cleveland City Council June 9, 2008, for a gross price for the improvement, in the aggregate amount of \$8,403,154.12, which includes all items in Alternate 7 (Items 1-214), is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Vandra Brothers Construction Company for the above-mentioned public improvement is approved:

Tech Ready Mix
(CSB/MBE) — \$700,000.00 — (0.000%)

Cuyahoga Supply & Tool Co.
(CSB/FBE) — \$450,000.00 — (0.000%)

Traff Tech
(CSB) — \$1,055,000.00 — (0.000%)

Down to Earth
(CSB/FBE) — \$75,561.00 — (0.899%)

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

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 171-10.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Kruis Enterprises, Inc. dba Waste Removal Equipment for an estimated quantity of various New Way packer body parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of three years beginning with the date of execution of a contract, with two options to renew for additional one year terms, received on November 12, 2009, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$200,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service 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 the sum of \$70,000.00.

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 against the contract.

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

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 172-10.

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. 113-19-058, located at 16314 Huntmere from HUD; and

Whereas, Collinwood Nottingham Villages Development Corporation has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 113-19-058 to Collinwood Nottingham Villages Development Corporation 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, Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 173-10.

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. 129-13-081, located at 2667 East 128th Street from HUD; and

Whereas, Shaker Square Area Development Corporation has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 129-13-081 to Shaker Square Area Development Corporation 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, Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 174-10.

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. 130-18-115, located at 3272 East 149th Street from HUD; and

Whereas, Classic Alpha, LLC has proposed to the City to purchase the property for rehabilitation and/or redevelopment; and

Whereas, Section 183.024 authorizes the Commissioner of Purchases

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

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 183.024, Codified Ordinances of Cleveland, Ohio, 1976, the consideration for the sale of Permanent Parcel No. 130-18-115 to Classic Alpha, LLC 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, Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Acting Director Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 175-10.

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. 137-12-036, located at 3678 East 138th Street from HUD; and

Whereas, Classic Alpha, LLC 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. 137-12-036 to Classic Alpha, LLC 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, Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush,

Acting Director Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 24, 2010

9:30 A.M.

Calendar No. 10-61: 9418 Orleans Avenue (Ward 5)

Barbara Luke, owner, appeals to erect a ramp 45 linear feet within the front and side yard setback of a one family dwelling on a 38' x 135' parcel in a B1 Two-Family District; contrary to the required yard spaces and Section 357.13 of the Cleveland Codified Ordinances.

Calendar No. 10-62: 9858 Lorain Avenue (Ward 6)

Julia Fitch, owner, appeals to add live entertainment to an existing coffee shop/restaurant in a two-story mixed use building on a 37.63' x 160.45' parcel in a General Retail Business District; subject to the limitations of Section 347.12(a) the proposed use does not meet the required distance of 500 feet from the residence district at the rear property line; and an accessory off-street parking area in the amount of three times the gross floor area, plus 2 spaces for tenants is required, according to the provisions in Section 349.04(e) of the Cleveland Codified Ordinances.

Calendar No. 10-63: 6308 Lexington Avenue (Ward 7)

Christopher and Francine Hawkins, owners, appeal to erect a 24' x 28' one-story detached reverse gable garage with a 7' x 58' open front breezeway on a 120' x 100' parcel in a D2 Multi-Family District; contrary to Section 337.23(a) a setback of 28 feet is provided and a setback of 51 feet is required to locate the accessory building on the rear half of the lot; and a projection of 7 feet is provided, contrary to the limitations of Section 357.13(b)(4) that states open front porches shall not project more than 6 feet.

Calendar No. 10-64: 1161 East 147th Street (Ward 10)

Willie Rowe, owner, appeals to erect a 12' x 20' frame garage on a 40' x 74.33' parcel in a B1 Two-Family District; contrary to Section 353.05 a proposed height of 12 feet exceeds the measured distance of the accessory building from the main building and it shall be located on the rear half of the lot, a minimum of 18 inches from all property lines and at least 10 feet from any main building on an adjoining lot according to Section 337.23 of the Cleveland Codified Ordinances.

Calendar No. 10-65: 14804 St. Clair Avenue (Ward 10)

Pam Hagler, owner, appeals to establish use as a restaurant, a coffee shop, in a two-story mixed use building located on an 80' x 100' corner parcel in a Local Retail Business District; subject to the requirements in Section 347.08(a)(c), trash areas and refuse containers shall be located so that they are not visible from the public street or any lot designated for residential purpose; screened with opaque fencing not lower than the height of the refuse containers, built of noncombustible materials and placed on a concrete slab with loading and unloading doors that have locking latches, which must be locked at all times other than when refuse is being loaded or collected; the parking lot is required to have wheel and bumper guards as specified in Section 349.07(b) and a landscaped strip 6 feet wide is required where the parking lot adjoins East 148th Street, according to Section 352.10 of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 10, 2010

At the meeting of the Board of Zoning Appeals on Monday, May 10, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-51: 10924 Magnolia Drive

Montessori Development Partnership appealed to establish use as a school in an existing three-story residential building in a Limited One-Family District; subject to conditions.

Calendar No. 10-52: 5819 Bridge Avenue

Lawrence Harris appealed to park in the front yard of a parcel in a Two-Family District.

Calendar No. 10-53: 908 Fruit Avenue
Shirley Larrison appealed to erect a ramp at the rear door area of a two family dwelling in a Two-Family District.

Calendar No. 10-54: 3999 Brookside Boulevard

William Scott Huebler appealed to install a 6 foot high wooden privacy fence along the side street yard of an irregular shaped corner parcel in a One-Family District.

Calendar No. 10-55: 11310 Magnolia Drive

Case Western Reserve University appealed from the limitation of 30 days duration to install a temporary tent for events that occur from April 20, to October 20, 2010.

Calendar No. 10-56: 1901 Ford Drive

Case Western Reserve University appealed from the limitation of 30 days duration to install a temporary tent for events that occur from April 20, to October 20, 2010.

The following appeal was **Withdrawn:**

Calendar No. 10-41: 13835 Lorain Avenue

Jesse Adkins dba Fat Boys Sports Bar, Inc. appealed from the recommendation of the Public Safety Department to disapprove an application for a Music License.

The following appeals were **Dismissed:**

Calendar No. 09-62: Riverbed Street

Westbank Development Corporation and by agreement with the Harbor Master of the City of Cleveland request dismissal of the appeal from the Violation Notice issued March 2, 2009.

Calendar No. 09-63: University Road and West 14th Street

University Cuyahoga, Inc. and by agreement with the Harbor Master of the City of Cleveland request dismissal of the appeal from the Violation Notice issued March 2, 2009.

The following appeals were **Postponed:**

Calendar No. 10-50: 3142 Superior Avenue postponed to June 28, 2010.

Calendar No. 10-60: 1970 Carter Road postponed to October 12, 2010.

Calendar No. 10-61: Riverbend Rear postponed to July 12, 2010.

The following appeals heard by the Board on May 3, 2010 were adopted and approved on May 10, 2010.

None.

The following appeal heard by the Board on December 14, 2009 was adopted and approved on May 10, 2010.

The following appeal was **Approved:**

Calendar No. 09-235: 12615 Elmwood Avenue

Kindt Collins Company LLC appealed to establish use as a storage yard in a General Industry District; subject to conditions.

The following appeal that was postponed from April 12, 2010 to June 1, 2010 was **Withdrawn:**

Calendar No. 10-31: 820 College Avenue

Thomas and Bart Leneghan, owners, Tremont Development Group and Paul Jones appealed to remove a parking lot and convert space to an outdoor patio for a bar/restaurant in a two-story building in a General Retail Business District;

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing
By the Council Committee
On City Planning

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 26, 2010
1:00 p.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 26, 2010, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 213-10.

By Council Member Miller.

An ordinance to change the Use District of land fronting on East 140th Street south of I-90 and north of Kelso Avenue from Local Retail Business to Residence Office; and changing the Use and Area Districts of land located at the southwest corner of Diana and E. 140th to Two Family Residential and a 'B' Area District (Map Change No. 2297 Sheet No. 7).

Ord. No. 461-10.

By Council Member Kelley.

An ordinance expanding the Old Brooklyn Design Review District to include lands south of Henritze Avenue along Pearl Road and State Road north of Leopold Avenue (Map Change No. 2301, Sheet Number 2).

All interested persons are urged to be present or to be represented at the above time and place.

Phyllis E. Cleveland
Chair
Committee on City Planning

May 12, 2010 and May 19, 2010

CITY OF CLEVELAND BIDS

For All Departments

Scaled 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, MAY 27, 2010

File No. 83-2010 — Electric Motors and Pumps, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 14, 2010 AT 2:30 P.M. THE CLEVELAND CITY HALL, ROOM 12 (CUSTODIAN'S OFFICE), 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 5, 2010 and May 12, 2010

THURSDAY, JUNE 3, 2010

File No. 81-2010 — New Downtown Bike Station Gateway Garage Huron Avenue and East 4th Street, Cleveland, Ohio 44113, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 808-09, passed by the Council of the City of Cleveland, June 8, 2009.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** TUESDAY,

MAY 18, 2010 AT 10:00 A.M. THE CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, CONFERENCE ROOM, ROOM 517, 601 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.

May 5, 2010 and May 12, 2010

THURSDAY, JUNE 10, 2010

File No. 82-2010 — Cubicle Renovation at TASC Building, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1737-08, passed by the Council of the City of Cleveland, December 8, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 17, 2010 AT 1:00 P.M. THE JULIUS CIACCIA, JR. TECHNOLOGY AND SECURITY CENTER, IN THE FIRST FLOOR CONFERENCE ROOM, 1230 CHARLTON ROAD, CLEVELAND, OHIO 44117.

May 5, 2010 and May 12, 2010

FRIDAY, JUNE 4, 2010

File No. 92-2010 — Janitorial Supplies (Re-Bid), for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 24, 2010 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE, CLEVELAND, OHIO 44114.

May 12, 2010 and May 19, 2010

WEDNESDAY, JUNE 9, 2010

File No. 89-2010 — Purchase of Transformers and Accessories, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 21, 2010 AT 11:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 90-2010 — Large and Special Pinion, Ring and Worm Gears, 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 **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 24, 2010 AT 2:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, ENGINEERING CONFERENCE ROOM,

5TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 91-2010 — Disposal of Catch Basin Debris, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, MAY 26, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

May 12, 2010 and May 19, 2010

THURSDAY, JUNE 10, 2010

File No. 84-2010 — Cleaning and Cement Mortar Lining of Distribution Main in Effingham Boulevard in the City of Euclid, Ohio, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1928-07, passed by the Council of the City of Cleveland, December 10, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 24, 2010 AT 9:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 85-2010 — Sewer Test Tee Inspection, Installation and Snaking, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 541.25 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 25, 2010 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

May 12, 2010 and May 19, 2010

THURSDAY, JUNE 17, 2010

File No. 88-2010 — Diesel Emission Reduction Systems for Vehicles and Equipment Including Installation, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1590-09, passed by the Council of the City of Cleveland, November 30, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 21, 2010 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

May 12, 2010 and May 19, 2010

FRIDAY, JUNE 18, 2010

File No. 86-2010 — Personal Protective Equipment (PPE) for Cleveland Police Department/SWAT, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 639-08, passed by the Council of the City of June 2, 2008. THERE WILL BE A NON-MANDATORY PRE-BID MEETING MON-

DAY, MAY 24, 2010 AT 3:00 P.M. THE HOMELAND SECURITY, 205 WEST ST. CLAIR AVENUE, ROOM 306, CLEVELAND, OHIO 44113.

File No. 87-2010 — MSA Self Contained Breathing (SCBA) for the Cleveland Police Department/SWAT, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 639-08,

passed by the Council of the City of June 2, 2008. THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, MAY 24, 2010 AT 4:00 P.M. THE HOMELAND SECURITY, 205 WEST ST. CLAIR AVENUE, ROOM 306, CLEVELAND, OHIO 44113.

May 12, 2010 and May 19, 2010

REPRINT

Ord. No. 170-10.

By Council Members Miller and Polensek.

An ordinance establishing the Five Points Design Review District (Map Change No. 2295, Sheet No. 7).

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

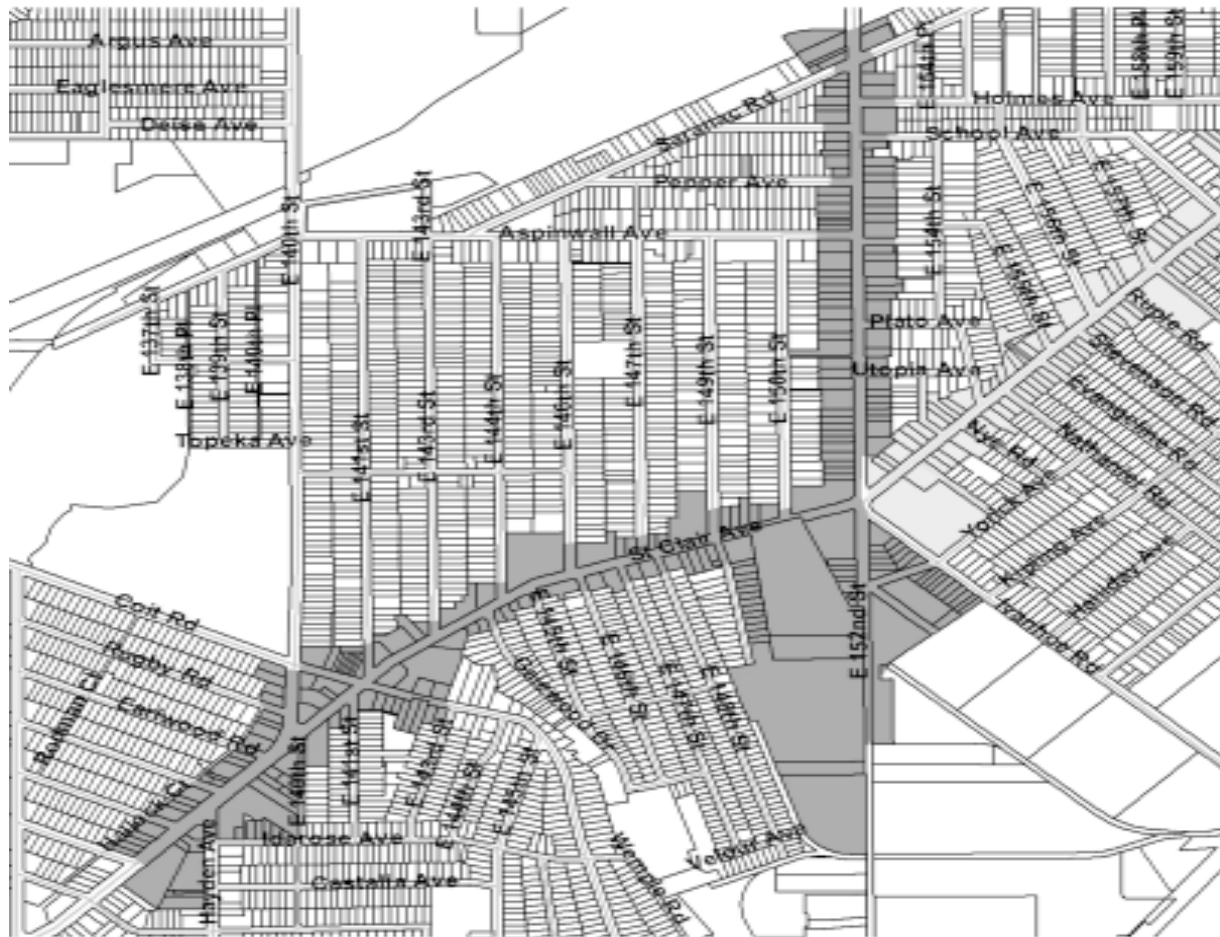
Be it ordained by the Council of the City of Cleveland:

Section 1. That the Five Points Design Review District is hereby established and includes the areas shown on the map attached.

Section 2. That the designation of the area described in Section 1 hereof as the Five Points Design Review District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

FIVE POINTS DESIGN REVIEW DISTRICT



NEW DESIGN REVIEW DISTRICT
EXISTING DESIGN REVIEW DISTRICT

Passed April 12, 2010
Effective May 12, 2010

COUNCIL COMMITTEE MEETINGS

**Monday, May 10, 2010
9:30 a.m.**

Health and Human Services Committee: Present: Cimperman, Chair; J. Johnson, Vice Chair; Keane, Kelley, Reed, Zone. *Authorized Absence:* Conwell.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Cleveland, Keane, Mitchell, Polensek, Pruitt, Westbrook. *Authorized Absence:* Brancatelli, Miller. *Pro tempore:* J. Johnson, Zone.

**Tuesday, May 11, 2010
9:30 a.m.**

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

1:30 p.m.

Employment Affirmative Action and Training Committee: Present: Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, Mitchell, Westbrook. *Authorized Absence:* K. Johnson.

**Wednesday, May 12, 2010
10:00 a.m.**

Aviation and Transportation Committee: Present: Keane, Chair; Cum-

mins, J. Johnson, Kelley, Mitchell. *Authorized Absence:* Pruitt, Vice Chair; K. Johnson.

1:00 p.m.

City Planning (Zoning) Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Keane, Zone. *Authorized Absence:* Conwell, Dow.

1:30 p.m.

City Planning Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Keane, Zone. *Authorized Absence:* Conwell, Dow. *Pro tempore:* Brancatelli.

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O—Ordinance; R—Resolution; F—File

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