

The City Record

Official Publication of the Council of the City of Cleveland



August the Twelfth, Two Thousand and Nine

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

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

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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	Nathaniel K. Wilkes	8410 Vineyard Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	8323 Pulaski Avenue	44103
8	Shari L. Cloud	1152 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
Karen E. Martines, Law Librarian, Room 100

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

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

DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Interim Director, 1201 Lakeside Avenue

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

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

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

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

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

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

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

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

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – Omayra G. Feliciano, Acting Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane 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	12A
Judge Emanuella Groves	13A
Judge Larry A. Jones	14B
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles L. Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael John Ryan	12C
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	13C
Judge Joseph J. Zone	14D

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

The City Record

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Vol. 96

WEDNESDAY, AUGUST 12, 2009

No. 4992

CITY COUNCIL

WEDNESDAY, AUGUST 5, 2009

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Wednesday, August 5, 2009

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

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

Also present were 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; and Directors Triozzi, Dumas, Smith, Carroll, Flask, Cox, Rush, Brown, Interim Director Withers and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Rev. Ron Lee, Chaplain, Division of Cleveland Police. Pledge of Allegiance.

MOTION

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

OATH OF OFFICE

File No. 1178-09.
From David J. Carroll, Lieutenant, Division of Police. Received.

File No. 1179-09.
From Jennie S. Socha, Lieutenant, Division of Police. Received.

File No. 1180-09.
From James D. Ealey, Sergeant, Division of Police. Received.

File No. 1181-09.
From Andrew J. Ezzo, Sergeant, Division of Police. Received.

File No. 1182-09.
From George M. Peters, Sergeant, Division of Police. Received.

File No. 1183-09.
From John C. Sattler, Sergeant, Division of Police. Received.

File No. 1184-09.
From Maria A. Stacho, Division of Police. Received.

COMMUNICATION

File No. 1185-09.
From Village Green Elderly II, NRP Holdings, LLC — notification of construction and management of residential rental development, located at 18221 Euclid Avenue. (Ward 11). Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1186-09.
Re: #935794106659 — C1 New Application — Walgreen Co., d.b.a. Walgreens 06659, 4071 Lee Road. (Ward 1). Received.

File No. 1187-09.
Re: #5951324 — C2, C2X, Transfer of Ownership Application — Miles Mini Mart Inc., 11334 Miles Avenue. (Ward 2). Received.

File No. 1188-09.
Re: #935794103256 — C1 New Application — Walgreen Co., d.b.a. Walgreens 03256, 11401 Union Avenue. (Ward 3). Received.

File No. 1189-09.
Re: #73935330740 — C2, C2X, Transfer of Ownership Application — Riser Foods Company, d.b.a. Buckeye Giant Eagle, 11501 Buckeye Road. (Ward 4). Received.

File No. 1190-09.
Re: #4225578 — C2, C2X Transfer of Ownership and Location Applica-

tion — Jai Ambaji, Inc., d.b.a. Home-town Grocery, 5611 Woodland Avenue. (Ward 5). Received.

File No. 1191-09.

Re: #935794103307 — C1 New Application — Walgreen Co., d.b.a. Walgreens 03307, 15609 Lakeshore Boulevard. (Ward 11). Received.

File No. 1192-09.

Re: #4979600 — D5 Transfer of Ownership Application — Lakeshore Cocktails, LLC 16826 Lakeshore Boulevard. (Ward 11). Received.

File No. 1193-09.

Re: #935794103226 — C1 New Application — Walgreen Co., d.b.a. Walgreens 03226, 6410 Broadway Avenue. (Ward 12). Received.

File No. 1194-09.

Re: #1573746 — D5, D6 Stock Transfer Application — Club Havana, LLC, d.b.a. The Mercury Lounge, 1st and 2nd Floor Basement, and Patio, 2132 West 6th Street. (Ward 13). Received.

File No. 1195-09.

Re: #0828814 — C1 New Application — Booklein Books and News, Inc., 1228 Euclid Avenue. (Ward 13). Received.

File No. 1196-09.

Re: #0016366 — D5, D6, Transfer of Ownership Application — ABC Tavern LTD, d.b.a. ABC Tavern, 1872 West 25th Street, 1st fl. & Bsmt. (Ward 13). Received.

File No. 1197-09.

Re: #935794112444 — C1 New Application — Walgreen Co., d.b.a. Walgreens 12444, 3415 Clark Avenue, (Ward 14). Received.

File No. 1198-09.

Re: #3375827 — D1, D3, D3A Stock Transfer Application — Gridlock Co., d.b.a. Club Argos & Patio, 2030 - 32 West 25th Street 1st & 2nd Flrs. (Ward 14). Received.

File No. 1199-09.

Re: #935794103308 — C1 New Application — Walgreen Co., d.b.a. Walgreens 03308, 4265 State Road. (Ward 15). Received.

File No. 1200-09.

Re: #4219893 — C1, C2, Transfer of Ownership Application — JAIGURUDEV, Inc., 5741 Memphis Avenue. (Ward 16). Received.

File No. 1201-09.

Re: #2333007 — D2, D2X, D3, D3A, Transfer of Ownership Application - Duet Holdings, Inc., d.b.a. Apex, 11633 Lorain Avenue and Patio. (Ward 19). Received.

File No. 1202-09.

Re: #935794103234 — C1 New Application — Walgreen Co., d.b.a. Walgreens 03234, 4281 West 130th Street, (Ward 20). Received.

File No. 1203-09.

Re: #2911406 — C2 New Application — Free Phone For You, Inc.,

13712 Lorain Avenue. (Ward 20). Received.

File No. 1204-09.

Re: #8093995 — C1, C2, D6 Transfer of Ownership Application — Shivam Food Mart LLC, d.b.a. Convenient Food Mart Store #357, 14302 Puritas Avenue. (Ward 20). Received.

File No. 1205-09.

Re: #9166711 — D5D, D5J, D6 Additional Class Application United Concessions Group, Inc., d.b.a. Paninis Bar and Grill, Hopkins Airport, 5300 Riverside Drive. (Ward 20). Received.

File No. 1206-09.

Re: #935794103310 — C1 New Application — Walgreen Co., d.b.a. Walgreens 03310, 16803 Lorain Avenue, (Ward 21). Received.

File No. 1207-09.

Re: #3718500 — D2, D2X, D3, D3A Transfer of Ownership Application — Hearnis, Inc., d.b.a. Gallaghers Lounge, 3356 Warren Road. (Ward 21). Received.

File No. 1208-09.

Re: #7148058 — D5 Transfer of Ownership and Location Application — RCA Enterprises, Inc., 436163 Rocky River Drive. (Ward 21). Received.

**STATEMENT OF WORK
ACCEPTANCE**

File No. 1209-09.

From Director of Parks, Recreation and Properties, Contract No. 68462, Precision Engineering & Contracting, Inc. — Gilmore Park Site Improvements, for the Division of Research, Planning & Development. Received.

File No. 1210-09.

From Director of Parks, Recreation and Properties, Contract No. 68495, R. J. Platten Contracting Co., Inc. — Mall Park Station Parking Lot Improvements, for the Division of Research, Planning & Development. Received.

File No. 1211-09.

From Director of Parks, Recreation and Properties, Contract No. 68615, Petty Group, LLC — Roberto Clemente Park Site Improvements, for the Division of Research, Planning & Development. Received.

File No. 1212-09.

From Director of Parks, Recreation and Properties, Contract No. 68850 Precision Engineering & Contracting Co., Inc. — Kenneth L. Johnson Recreation Center Water Slide Improvements, for the Division of Research, Planning & Development. Received.

File No. 1213-09.

From Director of Public Service, Contract No. 669933, T & F Systems, Inc. — Cleveland City Hall Roof Replacement (Phase 2), for

the Division of Architecture. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1214-09 — Frank J. Kucich, Jr.

Res. No. 1215-09 — Queen Esther McBee.

Res. No. 1216-09 — James Robert Garrett.

Res. No. 1217-09—William Thompson Donlon.

Res. No. 1218-09—Roberta Harley.

Res. No. 1219-09 — 1st Cass Sgt. Jason J. Fabrizi.

Res. No. 1220-09—Dewey Jeffries.

Res. No. 1221-09—Joann Long.

Res. No. 1222-09—Edward Bolden.

Res. No. 1223-09 — Linda Trivisano.

CONGRATULATION RESOLUTIONS

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

Res. No. 1224-09—Detective Sahir K. Hasan.

Res. No. 1225-09 — Sergeant Wilmore Larry, Jr.

Res. No. 1226-09 — Dominic Wayne Wilder.

Res. No. 1227-09—Dr. Lifsa Schachter.

Res. No. 1228-09 — Mitchell C. Schneider.

Res. No. 1229-09 — Albert "Peg" Scott & The Golden Echols.

Res. No. 1230-09—Mt. Zion Congregational Church.

Res. No. 1231-09—Janet Thomas.

Res. No. 1232-09 — LaTosca B. Jones.

Res. No. 1233-09 — Rev. Nathaniel Bolden.

RECOGNITION RESOLUTIONS

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

Res. No. 1234-09 — Morton's The Steakhouse.

Res. No. 1235-09—The Honorable Joseph Cimperman.

Res. No. 1236-09 — The Kimble Family Reunion.

Res. No. 1237-09—Jane B. Sheats.

Res. No. 1238-09—Grace Hawkins.

Res. No. 1239-09 — John C. Williams.

Res. No. 1240-09—Rotary Club of Cleveland & Community Service Committee.

Res. No. 1241-09—Jami Albeny.

Res. No. 1242-09—Rona R. Carter Scholarship Program.

Res. No. 1243-09 — The Upshaw Family Reunion - 2009.

Res. No. 1244-09—Mary Sims.

WELCOME RESOLUTIONS

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

Res. No. 1245-09—Matt Casale.

Res. No. 1246-09—Ross Greenky.

Res. No. 1247-09—Adam Wallick.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1045-09.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Cuyahoga County Corrections Planning Board for the Domestic Intervention, Education & Training (D.I.E.T.) 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 Finance, on behalf of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the amount of \$216,060.00, from the Cuyahoga County Corrections Planning Board to conduct the Domestic Intervention, Education & Training (D.I.E.T.) Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the program description for the grant contained in the file described below.

Section 2. That the program description for the grant, File No. 1045-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Chief Probation Officer is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

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. 1046-09.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with National Urban Fellows to support the placement of a fellow under the program with the Department of Public Utilities and the Mayor's Office, for a period up to fourteen months.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more agreements with National Urban Fellows to support the placement of a fellow under the program with the Department of Public Utilities and the Mayor's Office, for a period up to fourteen months.

Section 2. That the cost of the agreement shall not exceed \$31,500 and shall be paid from Fund No. 52 SF 001, Request No. 198847.

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

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

Ord. No. 1047-09.

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

An emergency ordinance determining the method of making the public improvement of repairing or replacing roofs and authorizing the Director of Port Control to enter into one or more public improvement requirement contracts for the making of the improvement, for a period of two years, with two one-year options to renew, exercisable through additional legislative authority.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing or replacing roofs, for the various divisions of the Department of Port Control, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years, with two one-year options to renew, for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 4. That the costs of the contract or contracts or other expenditures shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 175252)

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 1048-09.

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

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of large capacity trucks with operators and other equipment with operators for use on airport property, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years, with two one-year options to renew, for the necessary items of the rental of large

capacity trucks with operators and other equipment with operators for use on airport property, in the approximate amount as procured during the preceding term, procured by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 175255)

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

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

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

Ord. No. 1049-09.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 571.89, relating to fees for voice and communications 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 the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 571.89 to read as follows:

Section 571.89 Fees for Voice and Communications Services

The Director of Port Control is authorized to charge and collect fees for voice and communications services for on-airport and off-airport tenants at Cleveland Hopkins International Airport and Burke Lakefront Airport. The fees authorized shall be fixed by the Director of Port Control and approved by the Board of Control. The fees shall be reviewed and set annually by the Board of Control.

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

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

Ord. No. 1050-09.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Cleveland Clinic Foundation to encroach into the public right-of-way beneath East 100th Street and Cedar Avenue by installing, using, and maintaining electrical service and teledata cabling duct banks.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to the Cleveland Clinic Foundation, 9500 Euclid Avenue, mailstop cc41, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public right-of-way beneath East 100th Street and Cedar Avenue by installing, using, and maintaining electrical service and teledata cabling duct banks, at the following locations:

Legal Description: Private Utility Encroachment East 100th Street 600 Square Feet

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio known and being more fully described as follows:

Beginning at the northwesterly right of way intersection of East 100th Street (60) and Cedar Avenue (66);

Thence N 04° 07' 35" W along the westerly right of way line of East 100th Street (60) a distance of 239.86 feet to a point, said point being the principal place of beginning of the encroachment herein intended to be described;

Thence N 04° 07' 35" W continuing along the westerly right of way line of East 100th Street (60) a distance of 10.00 feet to a point;

Thence N 85° 52' 25" E a distance of 60.00 feet to a point on the easterly right of way line of East 100th Street (60);

Thence S 04° 07' 35" E along said easterly right of way line of East 100th Street (60) a distance of 10.00 feet to a point;

Thence S 85° 52' 25" W a distance of 60.00 feet to the principal place of beginning and containing 600 square feet as calculated and described by URS Corporation in June 2009.

Legal Description: Private Utility Encroachment Cedar Avenue 660 Square Feet

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio known and being more fully described as follows:

Beginning at the northwesterly right of way intersection of East 100th Street (60) and Cedar Avenue (66);

Thence N 89° 50' 53" E along the northerly right of way line of Cedar Avenue (66) a distance of 92.00 feet to a point, said point being the principal place of beginning of the encroachment herein intended to be described;

Thence N 89° 50' 53" E continuing along the northerly right of way line of Cedar Avenue (66) a distance of 10.00 feet to a point;

Thence S 00° 09' 07" E a distance of 66.00 feet to a point on the southerly right of way line of Cedar Avenue (66);

Thence S 89° 50' 53" W along said southerly right of way line of Cedar Avenue (66) a distance of 10.00 feet to a point;

Thence N 00° 09' 07" W a distance of 66.00 feet to the principal place of beginning and containing 660 square feet as calculated and described by URS Corporation in June 2009.

Legal Description: Private Utility Encroachment Cedar Avenue 660 Square Feet

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio known and being more fully described as follows:

Beginning at the northwesterly right of way intersection of East 100th Street (60) and Cedar Avenue (66);

Thence N 89° 50' 53" E along the northerly right of way line of Cedar Avenue (66) a distance of 285.82 feet to a point, said point being the principal place of beginning of the encroachment herein intended to be described;

Thence N 89° 50' 53" E continuing along the northerly right of way line of Cedar Avenue (66) a distance of 10.00 feet to a point;

Thence S 00° 09' 07" E a distance of 66.00 feet to a point on the southerly right of way line of Cedar Avenue (66);

Thence S 89° 50' 53" W along said southerly right of way line of Cedar Avenue (66) a distance of 10.00 feet to a point;

Thence N 00° 09' 07" W a distance of 66.00 feet to the principal place of beginning and containing 660 square feet as calculated and described by URS Corporation in June 2009.

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director

of Public Service. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

Ord. No. 1051-09.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Lakeside Commerce, LLC to encroach into the public right-of-way of East 53rd Street (60 feet wide) by installing, using, and maintaining a parking area and chain link fence with a 24-foot sliding gate.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Lakeside Commerce, LLC c/o Ohio Realty Advisors, 3623 Brecksville Road, Richfield, Ohio 44286 ("Permittee"), to encroach into the public right-of-way of East 53rd Street (60 feet wide) by installing, using, and maintaining a parking area and chain link fence with a 24-foot sliding gate at the following location:

Being the easterly 10 feet of East 53rd Street (60 feet wide) extending from the northerly right-of-way of Lakeside Avenue northerly 327.59 feet.

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and

Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

Ord. No. 1052-09.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ohio Technical College to encroach into the public right-of-way of 1390 East 49th Street by installing, using, and maintaining entrance canopy and two support posts.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Ohio Technical College, 1374 East 51st Street, Cleveland, Ohio 44103 ("Permittee"), to encroach into the public right-of-way of 1390 East 49th Street by installing, using, and maintaining an entrance canopy and two support posts, at the following location: Located at the entrance of 1390 East 49th Street, canopy is 6.0 feet wide in front, 3.5 feet in height and encroaches into the right of way 12.5 feet. Canopy has a minimum clearance height above sidewalk of 8.0 feet and is supported by building and two 2-inch square posts.

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

Ord. No. 1053-09.

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

An emergency ordinance to amend Section 9 of Ordinance No. 687-08, passed June 9, 2008, relating to the Mayor accepting a grant from the Ohio Public Works Commission to rehabilitate Broadway Avenue from I-77 to the east corporation line and authorizing the Director of Public Service to enter into various contracts to implement 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 Section 9 of Ordinance No. 687-08, passed June 9, 2008, is amended to read as follows:

Section 9. That the costs of the contracts and property acquisition authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, the cash match, Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 52 SF 001, **54 SF 001**, and from the fund or funds to which are credited the funds received from the Ohio Department of Transportation for the Improvement and are appropriated for this purpose. Request Nos. 175548 and **188513**.

Section 2. That existing Section 9 of Ordinance No. 687-08, passed June 9, 2008, is repealed.

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

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

Ord. No. 1054-09.
By Council Members Mitchell, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of Baldwin Road S.E.

Whereas, under Resolution No. 1186-08, adopted November 10, 2008 this Council declared its intention to vacate a portion of Baldwin Road S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 19, 2009 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Baldwin Road S.E. (60 feet wide) extending Southwesterly from the Southwesterly line of Stokes Blvd. (60 feet wide) to the Southeasterly prolongation of the Northeasterly line of Mt. Overlook Avenue S.E. (formerly Quincy Avenue S.E.) (60 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Water Pollution Control (WPC) and CEI (Illuminating Company), include access for the City of Cleveland Division of Fire.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Water Pollution Control and CEI (Illuminating Company) and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1055-09.
By Council Members Cleveland, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of East 71st Street (90 feet wide).

Whereas, under Resolution No. 167-08, adopted May 5, 2008 this Council declared its intention to vacate a portion of East 71st Street (90 feet wide); and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 19, 2009 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Declaring the intent to vacate the easterly 20 feet of East 71st Street (90 feet wide) extending northerly from the northerly right of way line of Woodland Avenue S.E. (80 feet wide) to the southerly right of way line of Merrick Court S.E. (16 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for CEI (Illuminating Company).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by CEI (Illuminating Company) and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1056-09.
By Council Members Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of West 27th Place.

Whereas, under Resolution No. 1187-08, adopted November 10, 2008 this Council declared its intention to vacate a portion of West 27th Place; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 19, 2009 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of West 27th Place (12 feet wide) extending Northerly from the Northerly line of Riverside Avenue S.W. (60 feet wide) to the Southerly Limited Access Line of the I-71 Freeway so called.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for CEI (Illuminating Company).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by CEI (Illuminating Company) and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1057-09.

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

An emergency ordinance to vacate a portion of the first un-named alley East of Warner Road and South of Tioga Avenue.

Whereas, under Resolution No. 1191-08, adopted November 10, 2008 this Council declared its intention to vacate a portion of 1st un-named alley East of Warner Road and South of Tioga Avenue; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 19, 2009 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of the first un-named alley (16.5 feet wide) East of Warner Road S.E. (49.5 feet wide) extending Southerly from the Southerly line of Tioga Avenue S.E. (40 feet wide) to its Southerly terminus.

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

Section 2. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1058-09.

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

An emergency ordinance to vacate a portion of the 1st un-named alley North of Woodland Avenue running to the West and East of East 81st Street.

Whereas, under Resolution No. 1188-08, adopted November 10, 2008 this Council declared its intention to vacate a portion of the 1st un-named alley North of Woodland Avenue running to the West and East of East 81st Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 19, 2009 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of the first un-named alley (12 feet wide) North of Woodland Avenue (80 feet wide) extending Easterly and Westerly from the Easterly and Westerly lines of East 81st Street (33 feet wide) to the Easterly and Westerly lines of the Woodland Savings & Loan Company Re-Subdivision as shown by the recorded plat in Volume 28, Page 24 of Cuyahoga County map records.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for CEI (Illuminating Company).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by CEI (Illuminating Company) and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1060-09.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cleveland Foundation for the Making Greater Cleveland Lead Safe Program; to enter into one or more contracts with Cuyahoga County Board of Health and with various agencies, individuals or entities to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$154,775, and any other funds that may become available during the grant term from the Cleveland Foundation to conduct the Making Greater Cleveland Lead Safe Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1060-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Health is authorized to enter into one or more contracts with various agencies, entities, or individuals to implement the grant as described in the file.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with Cuyahoga County Board of Health to provide training, planning and execution of a community-wide response to Cleveland's lead poisoning problem, including but not limited to, assessing and renovating lead hazards.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 1061-09.**By Council Member Dow.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to Cleve Covington, Jr.

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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 106-07-077, 106-07-078 and 106-07-079, as more fully described below, to Cleve Covington, Jr.

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

P. P. No. 106-07-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 35 in Walton Brothers and Hicks Subdivision of part of Original One Hundred Acre Lot No. 383, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 82nd Street (formerly Genesee Avenue) and extending back of equal width 150 feet, as appear by said plat.

Subject to Zoning Ordinances, if any.

P. P. No. 106-07-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in Walton Brothers and Hicks Allotment of part of Original One Hundred Acre Lot No. 383, as shown by the recorded plat of said Allotment in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 82nd Street (formerly Genesee Avenue) and extending back of equal width 150 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.

Subject to: Building line recited in Volume 469, Page 19 of Cuyahoga County Records filed January 24, 1890.

Subject to: Easement recited in Volume 5285, Page 234 of Cuyahoga County Records filed September 9, 1941.

Subject to: Urban Renewal Project recited in Volume 111, Page 9 of Cuyahoga County Records filed April 6, 1965.

P. P. No. 106-07-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 33 in Walton Brothers and Hick's Subdivision of part of Original One Hundred Acre Lot No. 383, as shown by the recorded plat in Volume 13 of Maps, Page 48 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 82nd Street, (formerly Genesee Avenue), and extending back of equal width 150 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. 1062-09.**By Council Member Santiago.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Bailey Avenue to Juan A. Munoz.

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 Juan A. Munoz.

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

P. P. No. 007-07-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio indicated on the County Auditor's Records as Permanent Number 7-07-066, and known as being all of Sublot No. 5 ALL in the Averill & Bradford Subdivision of part of Original Township Lot 53 as shown by the recorded plat in Volume 4 of Maps, Page 9 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to 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. 1063-09.**By Council Member Wilkes.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 86th Street to David G. Moeller.

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 David G. Moeller.

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

P. P. No. 133-28-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as baling all of Sublot No. 65 in Justus Hamilton's Subdivision of part of Original One Hundred Acre Lot Nos. 455 and 456 as shown by the recorded plat in Volume 2 of Maps, Page 35 of Cuyahoga County Records, and being 62.50 feet front on the Easterly side of East 86th Street and extending back 178.50 feet deep on the Northerly line, 177.25 feet deep on the Southerly line and having a rear line of 62.50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to 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. 1064-09.**By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 2227 Payne Avenue, for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to EDEN, Inc., or its designee, which is not needed for public use; and authorizing the Director of Community Development to enter into a development agreement with EDEN, Inc., or its designee.

Whereas, the Director of Community Development has requested the sale of the property to EDEN, Inc., or its designee, (the "Redeveloper") for the public purpose of future redevelopment of the property; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment:

PPN: 102-25-044

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being the Easterly 26 feet of Sublot Number 196 and all of Sublot Number 197 in O.H. Payne's Allotment of part of Original 10 Acre Lots Numbers 108, 109, and 110, as shown by the recorded Plat in Volume 15 of maps, Page 7 of Cuyahoga County Records, and forming a parcel of land 68 feet front on the Northerly side of Payne Avenue and extending back between parallel lines 150 feet as appears by said plat be the same more or less, but subject to all legal highways.

Address 2227 Payne Avenue, Cleveland, Ohio.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed \$10.00, and other valuable consideration, determined to be fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14.

Section 5. That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 6. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for \$10.00, and other valuable consideration, which is determined to be fair market value by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 7. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 8. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the properties described in this ordinance are no longer needed for public use.

Section 9. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into a development agreement with the Redeveloper, for the acquisition, disposition, and private redevelopment of the property described above.

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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 1065-09.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 3090 Livingston Road, for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to LPA Associates Limited Partnership, or its designee, which is not needed for public use; and authorizing the Director of Community Development to enter into a development agreement with LPA Associates Limited Partnership, or its designee.

Whereas, the Director of Community Development has requested the purchase of property from the Department of Housing and Urban Development ("HUD") known as Livingston Apartments at 3090 Livingston Road and the subsequent sale of the property to LPA Associates Limited Partnership, or its designee (the "Redeveloper") for the public purpose of future redevelopment; and

Whereas, HUD is willing to sell the properties through a negotiated sale, rather than an auction, but under current federal law, HUD may only sell the property through a negotiated sale to a local government; and

Whereas, the City of Cleveland is willing to acquire the property, at a cost to the City of \$10.00, and immediately convey it to the Redeveloper for a cost of \$10.00 for future redevelopment; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment:

LIVINGSTON LEGAL

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of original 100 Acre Lot No. 438 and bounded and described as follows:

Beginning at a drill hole in a stone monument found at the intersection of the centerlines of East 135th Street (formerly East 129th Street) (50 feet wide) and Lorenzo Avenue (50 feet wide);

Thence North 00° 04' 11" East along the centerline of East 135th Street, 145.00 feet to a point;

Thence South 89° 23' 30" West, 25 feet to a 5/8" iron pin set on the Westerly line of East 135th Street, said point also being the Northeastly corner of Sublot No. 151 of the Lorenz Sanda Subdivision No. 2 of part of Original 100 Acre Lot Nos. 437 and 438 as shown on the recorded plat in Volume 47, Page 21 of Cuyahoga County Map Records;

Thence South 89° 23' 30" West continuing along the Northerly line of said Lorenz Sanda Subdivision No. 2, 220.00 feet to a 5/8" iron pin set, and the principal point of beginning of the premises herein described;

Thence South 89° 23' 30" West continuing along the Northerly line of said Lorenz Sanda Subdivision No. 2, 479.96 feet to a 5/8" iron pin set on the Easterly line of Sublot No. 128 in said Subdivision;

Thence North 00° 04' 20" East along the Easterly line of Sublot Nos. 128 and 127 in said Subdivision, 75.24 feet to a 5/8" iron pin set at the Northeastly corner of said Sublot No. 127;

Thence South 89° 23' 30" West along the Northerly line of said sublot No. 127, 1.61 feet to a 5/8" iron pin set at the southeasterly corner of the Parkhill Subdivision No. 2 of part of Original 100 Acre Lot No. 437 as shown by the recorded plat in Volume 55, Page 4 of Cuyahoga County Map Records;

Thence North 00° 02' 37" West along said Easterly line of the Parkhill Subdivision No. 2 and the Easterly line of the Parkhill Subdivision of Original 100 Acre Lot No. 437 as shown by the recorded plat in Volume 53, Page 31 of Cuyahoga County map Records, and the easterly line of the Rice heights Allotment of part of original 100 Acre Lot No. 437 as shown by the recorded plat in Volume 48, Page 2 of Cuyahoga County map Records, 695.02 feet to a 5/8" iron pin set on the Southerly line of Griffing Avenue (50 feet wide);

Thence South 89° 55' 37" East along said Southerly line of Griffing Avenue 288.47 feet to a 5/8" iron pin set at the Westerly end of a curved turnout between said Southerly line of Griffing Avenue and the Southwesterly line of Livingston Road (70 feet wide);

Thence along said curved turnout deflecting to the right, an arc of 128.21 feet to the Southwesterly line of Livingston Road, said curve having a radius of 150.00 feet and a chord which bears South 65° 26' 23" East, 124.35 feet to a 5/8" iron pin set;

Thence South 40° 57' 10" East along said Southwesterly line of Livingston Road, 402.88 feet to a 5/8" iron pin set at a curved turnout to aforesaid East 135th Street;

Thence along the curved turnout to East 135th street deflecting to the right, an arc of 95.91 feet, said curve having a radius of 150.00 feet and a chord that bears South 22° 38' 09" East, 94.28 feet to a 5/8" iron pin set;

Thence South 89° 23' 30" West, 219.58 feet to a 5/8" iron pin set;

Thence South 00° 04' 11" West, 320.00 feet to the principal point of beginning and containing 9.1351 acres of land as calculated and described by Edward Dudley, P.S. No. 6747 of the The North Coast Engineering & Surveying Company, Inc., in November of 2001, be the same more or less, but subject to all legal highways.

The above parcel also known as Parcel 1 in Plat of Lot Split for 144-

01-001 recorded in Volume 318, Page 1 of Cuyahoga County Map Records.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed \$10.00, and other valuable consideration, determined to be fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14.

Section 5. That this Council finds that the acquisition by the City and conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 6. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper for \$10.00, and other valuable consideration, which is determined to be fair market value by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 7. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 8. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the properties described in this ordinance are no longer needed for public use.

Section 9. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into a development agreement with the Redeveloper, for the acquisition, disposition, and private redevelopment of the property described above.

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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 1066-09.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist in the operations of the organization and to create a new marketing initiative to promote the City of Cleveland as a venue for film, television, and commercial productions.

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 a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist in the operations of the organization and to create a new marketing initiative to promote the City of Cleveland as a venue for film, television, and commercial productions.

Section 2. That the costs of the grant shall not exceed One Hundred Eighty-Five Thousand Dollars (\$185,000.00) and shall be paid from Fund No. 17 SF 652, Request No. 123971.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents that may be appropriate to complete the transaction.

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

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

Ord. No. 1069-09.
By Council Member Brady.
An emergency ordinance to amend the title and Sections 1, 2, 3, 4, 5, and 6 of Ordinance No. 556-09, passed June 1, 2009, relating to changing the zoning of lands on the east and west sides of Bellaire road between Hirst Avenue and West 130th Street.

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

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

Section 1. That the title and Sections 1, 2, 3, 4, 5, and 6 of Ordinance No. 556-09, passed June 1, 2009 are amended to read as follows:

An Ordinance to change the zoning of lands on the east and west sides of Bellaire Road between Hirst Avenue and West 130th Street as shown on the attached map. (Map Change No. 2276, Sheet 2 & 12)

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

Beginning in the centerline of Bellaire Road at its intersection with the easterly prolongation of the centerline of Hirst Avenue;

Thence westerly along said easterly prolongation of said centerline of Hirst Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 128 in the N. Moses Subdivision shown on the recorded plat in Volume 16, Page 11;

Thence southerly along said northerly prolongation and said westerly line and continuing along its southerly prolongation to its intersection with the centerline of Emery Avenue;

Thence easterly along said centerline of Emery Avenue and continuing along its easterly prolongation to its intersection with the centerline of Bellaire Road;

Thence southerly along said centerline of Bellaire Road to its intersection with the easterly prolongation of the northerly line of Sublot No. 146 in the Guardian Subdivision shown on the recorded plat in Volume 65, Page 9 of Cuyahoga County Map Records; said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-17-021;

Thence westerly along said easterly prolongation of said northerly line and continuing along its westerly prolongation to its intersection with the northerly prolongation of the centerline of a 10 foot wide unnamed alley;

Thence southerly along said prolongation of said centerline of said unnamed alley to its intersection with the centerline of Guardian Boulevard;

Thence westerly along said centerline of Guardian Boulevard to its intersection with the northerly prolongation of the easterly line of Sublot No. 248 in the aforementioned Guardian Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-17-048;

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

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the easterly line of Sublot No. 43 in the aforementioned Guardian Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-17-046;

Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Matherson Avenue;

Thence westerly along said centerline of Matherson to its intersection with the northerly prolongation of the easterly line of Sublot No. 58 in the Domal Land Co. Subdivision shown on the recorded plat in Volume 25, Page 20 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-17-031;

Thence southwesterly along said prolongation of said easterly line and along its southwesterly prolongation to its intersection with the easterly line of Sublot No. 112 in the aforementioned Domal Land Co. Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-17-003;

Thence southerly along said easterly line and continuing along its southerly prolongation to its intersection with the centerline of Leella Avenue;

Thence westerly along said centerline of Leella Avenue to its intersection with the northerly prolongation of the easterly line of Sublot NO. 4 in the Homesite No. 7 Subdi-

vision shown on the recorded plat in Volume 67, Page 5 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-19-035;

Thence southerly along said prolongation of said easterly line to its intersection with the northerly line of Sublot No. 3 in the aforementioned Homesite No. 7 Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-19-038;

Thence westerly along said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line to its intersection with the northerly line of Sublot No. 53 in the aforementioned Homesite No. 7 Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-19-039;

Thence westerly along said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Kadel Avenue;

Thence westerly along said centerline of Kadel Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 59 in the aforementioned Homesite No. 7 Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-19-077;

Thence southerly along said northerly prolongation of said westerly line to its intersection with the northerly line of Sublot No. 58 in the aforementioned Homesite No. 7 Subdivision;

Thence westerly along said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the easterly line of Sublot No. 255 in the Joseph Schrimshaw Subdivision Not Recorded;

Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Wanda Avenue;

Thence westerly along said centerline of Wanda Avenue to its intersection with the northeasterly prolongation of the northwesterly line of Sublot No. 248 in the aforementioned Joseph Schrimshaw Subdivision;

Thence southwesterly along said northeasterly prolongation of said northwesterly line and continuing along its southwesterly prolongation to its intersection with the centerline of West 129th Street;

Thence southeasterly along said centerline of West 129th Street and along its southeasterly prolongation to its intersection with the centerline of Bellaire Road;

Thence southwesterly along said centerline of Bellaire Road to its intersection with the northerly prolongation of the southwesterly line of Sublot No. 3 in the Highview Subdivision shown on the recorded plat in Volume 83, Page 27 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-21-112;

Thence southeasterly along said prolongation and said southwesterly line to its intersection with the easterly line thereof;

Thence northerly along said easterly line and along its northerly prolongation to its intersection with the centerline of Firsby Avenue;

Thence easterly along said centerline of Firsby Avenue to its intersection with the southwesterly prolongation of the southeasterly line of Sublot No. 6 in the aforementioned Highview Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-21-049;

Thence northeasterly along said southwesterly prolongation of said southeasterly line to its intersection with the northeasterly line thereof;

Thence northwesterly along said northeasterly line and continuing along its northwesterly prolongation to its intersection with the centerline of Bellaire Road;

Thence northeasterly along said centerline of Bellaire Road to the northwesterly prolongation of the southwesterly line of Sublot Number 9 in the aforementioned Highview Subdivision;

Thence southeasterly along said northwesterly prolongation of said southwesterly line to its intersection with the southeasterly line thereof;

Thence northeasterly along said southeasterly line and continuing along its northeasterly prolongation to its intersection with the westerly line of Sublot Number 142 in the aforementioned Highview Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-21-081;

Thence northerly along said westerly line and continuing along its northerly prolongation to its intersection with the centerline of Grimsby Avenue;

Thence easterly along said centerline of Grimsby Avenue to its intersection with the southwesterly prolongation of the southeasterly line of Sublot No. 13 in the aforementioned Highview Subdivision;

Thence northeasterly along said southeasterly prolongation and continuing along its northeasterly prolongation to its intersection with the westerly line of Sublot No. 84 in the aforementioned Highview Subdivision;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Sobieski Avenue;

Thence easterly along said centerline of Sobieski Avenue to its intersection with the southerly prolongation of the easterly line of Sublot No. 55 in the aforementioned Highview Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-22-118;

Thence northerly along said southerly prolongation of said easterly line of Sublot No. 55 to its intersection with the southeasterly line of Sublot No. 23 in the aforementioned Highview Subdivision;

Thence northeasterly along said southeasterly line to its intersection with the westerly line of Sublot No. 86 in the aforementioned Highview Subdivision;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Wanda Avenue;

Thence westerly along said centerline of Wanda and along its westerly prolongation to its intersection with the centerline of Bellaire Road;

Thence northeasterly along said Bellaire Road to its intersection with the centerline of Leeila Avenue;

Thence easterly along said centerline of Leeila Avenue to its intersection with the southerly prolongation of the centerline of a 12 foot wide Unnamed Alley;

Thence northeasterly and northerly along said prolongation of said centerline and along its northerly prolongation to its intersection with the centerline of Matherson Avenue;

Thence easterly along said centerline of Matherson Avenue to its intersection with the southerly prolongation of the westerly line of Sublot No. 183 in the Domal Land Co. Subdivision shown on the recorded plat in Volume 25, Page 20 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-18-080;

Thence northerly along said southerly prolongation of said westerly line to its intersection with the southerly line of Sublot No. 136 in the Guardian Subdivision shown on the recorded plat in Volume 65, Page 9 of Cuyahoga County Map Records;

Thence easterly along said southerly line to its intersection with the westerly line of Sublot No. 130 in the aforementioned Guardian Subdivision;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Guardian Boulevard;

Thence easterly along said centerline of Guardian Boulevard to its intersection with the southerly prolongation of the westerly line of Sublot No. 96 in the aforementioned Guardian Subdivision;

Thence northerly along said southerly prolongation of the westerly line of Sublot No. 96 to its intersection with the northerly line thereof;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the westerly line of Sublot No. 84 in the aforementioned Guardian Subdivision;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Brookfield Avenue;

Thence westerly along said centerline of Brookfield to its intersection with the centerline of Bellaire Road;

Thence northeasterly along said centerline of Bellaire Road to its intersection with the westerly prolongation of the southerly line of the N. Moses Subdivision shown on the recorded plat in Volume 16, Page 11 of Cuyahoga County Map Records;

Thence easterly along said southerly line to its intersection with the Cleveland/Linndale City Limits line;

Thence northerly along said City Limits line to its intersection with the centerline of West 120th Street;

Thence northwesterly along said centerline of West 120th Street and along its northwesterly prolongation to its intersection with the centerline of Bellaire Road;

Thence southwesterly along said centerline of Bellaire Road to its intersection with the easterly prolongation of the centerline of Hirst Avenue and the principal place of beginning;

and as shaded on the attached map is changed to a Local Retail Business District (LR) and a 'C' Area District.

Section 2. That the Use, **Height** and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Bellaire Road at its intersection with the centerline of Leeila Avenue;

Thence easterly along said centerline of Leeila Avenue and along its easterly prolongation to its intersection with the centerline of the Cleveland, Cincinnati, Chicago and St. Louis Railroad (C.C.C. & St. L. R.R.);

Thence southwesterly along said centerline of said C.C.C. & St. L. Railroad to its intersection with the easterly prolongation of the centerline of Wanda Avenue 60 feet wide;

Thence westerly along said centerline of Wanda Avenue to its intersection with the southerly prolongation of the easterly line of Sublot No. 46 in the Bellaire Subdivision shown on the recorded plat in Volume 238, Page 32 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-20-048;

Thence northerly along said southerly prolongation of said easterly line and continuing along its northerly prolongation to its intersection with the centerline of Leeila Avenue;

Thence westerly along said centerline of Leeila Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 1 in the aforementioned Bellaire Gardens Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-20-004;

Thence southerly along said northerly prolongation of said westerly line and continuing along its southerly prolongation to its intersection with the centerline of Wanda Avenue;

Thence westerly along said centerline of Wanda Avenue and along its westerly prolongation to its intersection with the centerline of Bellaire Road;

Thence northeasterly along said centerline of Bellaire Road to its intersection with the centerline of Leeila Avenue and the principal place of beginning;

and as indicated on the attached map is changed to a Multi-Family Residential District a 'C' Area District, and a '2' Height District (MF-C2).

Section 3. That the Use, **Height** and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Bellaire Road at its intersection with the westerly prolongation of the centerline of Firsby Avenue;

Thence easterly along said centerline of Firsby Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 199 in the Highview Subdivision shown on the recorded plat in Volume 83, Page 27 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-21-113;

Thence southerly along said northerly prolongation of said westerly line to its intersection with the southerly line thereof;

Thence easterly along said southerly line and continuing along its easterly prolongation to its intersection with the westerly line of Sublot No. 202 in the aforementioned Highview Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-21-116;

Thence northerly along said westerly line and continuing along its northerly prolongation to its inter-

section with the centerline of Firsby Avenue;

Thence westerly along said centerline of Firsby Avenue and along its westerly prolongation to its intersection with the centerline of Bellaire Road;

Thence northeasterly along said centerline of Bellaire Road to its intersection with the westerly prolongation of the centerline of Wanda Avenue;

Thence easterly along said centerline of Wanda Avenue to its intersection with the southerly prolongation of the easterly line of Sublot No. 46 in the Bellaire Gardens Subdivision shown on the recorded plat in Volume 238, Page 32 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-20-048;

Thence northerly along said southerly prolongation of said easterly line and continuing along its northerly prolongation to its intersection with the centerline of Leeila Avenue;

Thence westerly along said centerline of Leeila Avenue to its intersection with the northerly prolongation of the westerly line of Sublot Number 1 in the aforementioned Bellaire Gardens Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 019-20-004;

Thence southerly along said northerly prolongation of said westerly line and continuing along its southerly prolongation to its intersection with the centerline of Wanda Avenue;

Thence westerly along said centerline of Bellaire Avenue and continuing along its westerly prolongation to its intersection with the centerline of Bellaire Road;

Thence southwestwesterly along said centerline of Bellaire Road to its intersection with the centerline of Firsby Avenue and the principal place of beginning; and as indicated on the attached map is changed to a Two Family Residential District a 'B' Area District, **and a '1' Height District (2F-B1).**

Section 4. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Bellaire Road at its intersection with the easterly prolongation of the centerline of Emery Avenue;

Thence westerly along said easterly prolongation of said centerline of Emery Avenue to its intersection with the northerly prolongation of the **easterly** line of Sublot No. 238 in the N. Moses Subdivision shown on the recorded plat in Volume 16, Page 11 of Cuyahoga County Map Records;

Thence southerly along said northerly prolongation and said **easterly** line to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the westerly line of Sublot No. 53 in the Guardian Subdivision shown on the recorded plat in Volume 65, Page 9 of Cuyahoga County Map Records;

Thence southerly along said prolongation of said westerly line and along its southerly prolongation to its intersection with the centerline of Brookfield Avenue;

Thence easterly along said centerline of Brookfield Avenue through its

intersection with the centerline of Bellaire Road to its intersection with the southerly prolongation of the westerly line of Sublot No. 63 in the aforementioned Guardian Subdivision;

Thence northerly along said southerly prolongation of said westerly line to its intersection with the northerly line thereof;

Thence westerly along said northerly line and continuing along its westerly prolongation to its intersection with the centerline of Bellaire Road;

Thence northeasterly along said centerline of Bellaire Road to its intersection with the easterly prolongation of the centerline of Emery Avenue and the principal place of beginning;

and as indicated on the attached map is changed to a Single Family Residential Use District and an 'A' Area District (1F-A1).

Section 5. That the Use of lands bounded and described as follows:

Beginning in the centerline of Bellaire Road at its intersection with the easterly prolongation of the centerline of Emery Avenue;

Thence westerly along said easterly prolongation of said centerline of Emery Avenue to its intersection with the southerly prolongation of the **easterly line of Sublot Number 127** in the N. Moses Subdivision shown on the recorded plat in Volume 16, Page 11 of Cuyahoga County Map Records;

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

Thence **westerly** along said **southerly** line and along its **westerly** prolongation to its intersection with the easterly line of Sublot Number 132 in the aforementioned N. Moses Subdivision;

Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Emery Avenue;

Thence easterly along said centerline of Emery Avenue and along its easterly prolongation to its intersection with the centerline of Bellaire Road and the principal place of beginning;

and as indicated on the attached map is changed to a Semi-Industry District.

Section 6. That the changed designation of lands described in Section 1 through Section 5 shall be identified as Map Change No. 2276, Sheet No. 2 & 12 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 2. That the existing title and Sections 1, 2, 3, 4, 5, and 6 of Ordinance No. 556-09, passed June 1, 2009 are repealed.

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

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

Ord. No. 1076-09.

By Council Members Conwell, Dow and Sweency (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.

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 623.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 791-09, passed July 1, 2009, is amended to read as follows:

Section 623.04 Criminal Trespass

(a) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another;

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows he is in violation of any such restriction or is reckless in that regard.

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified to do so by the owner or occupant, or the agent or servant of either;

(5) Knowingly enter or remain in any vacant and vandalized building or structure, including, but not limited to, a formerly occupied residential dwelling or dwelling unit, without having on his person the written permission of the owner of such structure granting permission to be in any such building or structure. This paragraph does not apply to governmental officers or employees when carrying out a lawful governmental function.

(6) After first being warned to desist, knowingly enter or remain outdoors on the land or premises of another on which any vacant and vandalized building or structure is situated, including, but not limited to, a formerly occupied residential dwelling or dwelling unit, without having on his person a writing such as, by way of example only, a contract or work order for work at the land or premises, or a writing signed by the owner, lessee or other person entitled to possession of the land or premises, that shows that the person has a lawful reason to enter or remain there.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) Whoever violates **divisions (a)(1), (2), (3) and (4)** of this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(e) Whoever violates **division (a)(5) of this section** is guilty of trespassing on a vacant and vandalized building, a misdemeanor of the first degree.

(f) **Whoever violates division (a)(6) of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on the second and any subsequent offense.**

(g) As used in this section, "land or premises" includes any land, building, structure of place belonging to, controlled by or in custody of another, and any separate enclosure or room, or portion thereof. (RC 2911.21)

Section 2. That existing Section 623.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 791-09, passed July 1, 2009, is repealed.

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

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

Ord. No. 1155-09.
By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period, with a one-year option to renew exercisable by the Director of Finance, of the necessary items of electrical power 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. (RL 121268)

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. 1158-09.
By Council Members Dow and Sweeney (by departmental request).

An emergency ordinance to amend Sections 675.01 and 675.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 532-93, passed June 14, 1993 and Ordinance No. 1670-92, passed August 19, 1992, relating to peddling conducted door-to-door.

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 675.01 and 675.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 532-93, passed June 14, 1993 and Ordinance No. 1670-92, passed August 19, 1992, are amended to read as follows:

Section 675.01 Definitions; Chapter Scope

(a) For purposes of this chapter:

(1) "Commissioner" means the Commissioner of Assessments and Licenses.

(2) "Peddling" means selling, **hawking**, offering or displaying for sale, or soliciting another to purchase, for present or future delivery any goods, wares, merchandise, services, including by way of example only, menial tasks, such as painting numbers on curbs, or a combination of goods and services, subscriptions, or food or beverages from, in, upon, along, or through the highways, streets, or sidewalks, **door-to-door on residential property**, or in the open air or from a temporary shelter or vending device upon private property.

(3) "Peddler" means any person who engages in peddling. "Peddler" includes "hawker," "huckster," and "solicitor," but does not include itinerant vendors or itinerant wholesale produce dealers licensed pursuant to Chapter 682.

(4) "Person" means an individual, corporation, partnership or association; provided however, that for purposes of Section 675.02, "person" shall mean a natural person only.

(5) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive microorganisms. The term does not in-

clude clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

(6) "Sell" or "selling" includes **barter or bartering.**

(7) "Sidewalk" means that portion of the street between the curb lines or the lateral lines of a roadway and the adjacent property line.

(8) "Street" means street, alley, highway, roadway or avenue, including all curbs along such streets.

(9) "Vending device" means a container for the sale, display or transport of goods, wares, merchandise, equipment used for menial tasks, food or beverages by a peddler, which container has wheels and is capable of being moved by one person by muscular power.

(b) *Scope of Chapter.* The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, to bona fide sales of goods, wares, or merchandise by samples for future delivery, to sales at trade shows or conventions, or to sales by charitable organizations in conjunction with solicitations for charity.

(c) Nothing in this chapter shall be construed to prohibit the distribution of non-commercial handbills, cards, leaflets, or other literature upon the sidewalks of the City.

Section 675.04 Permits Required
A permit is required in each of the following circumstances when peddling is occurring upon the highways, streets, or sidewalks, or to business invitees upon or from private property:

(a) No person shall engage in peddling upon or from private property anywhere in the City without a permit issued in accordance with Section 675.05.

(b) No person shall engage in peddling on the highways, streets or sidewalks within the Central Business District without a permit issued in accordance with Chapter 508 or without a permit issued in accordance with Section 675.06.

(c) No person shall engage in peddling while moving continuously from place to place on the highways, streets or sidewalks of the Central Business District without a permit issued in accordance with Section 675.06.

(d) No person shall engage in peddling upon or from a fixed location on a sidewalk outside of the Central Business District without a permit issued in accordance with Section 675.07.

(e) No person shall engage in peddling while moving continuously from place to place on the highways, streets, or sidewalks outside of the Central Business District without a permit issued in accordance with Section 675.08.

Section 2. That existing Sections 675.01 and 675.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 532-93, passed June 14, 1993 and Ordinance No. 1670-92, passed August 19, 1992, 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 Finance, Law; Committees on Legislation, Finance.

FIRST READING ORDINANCES REFERRED

Ord. No. 1111-09.

By Council Member Cimperman.

An ordinance to change the Use District of land located on Merwin Street west of Columbus Road from a General Industry District to a General Retail Business District (Map Change No. 2284 Sheet No. 1).

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

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

Beginning in the centerline of Columbus Road at its intersection with the easterly prolongation of the centerline of Merwin Street;

Thence westerly and northwesterly along said easterly prolongation and said centerline of Merwin Street, continuing along its westerly prolongation to its intersection with the easterly line of a parcel of land conveyed to the City of Cleveland by deed dated January 1, 1975, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 101-18-004, said intersection hereafter being known as the principal place of beginning;

Thence northerly along said easterly line to its intersection with the northeasterly line thereof;

Thence northwesterly, southwesterly and northwesterly again along the northeasterly line of said Permanent Parcel Number 101-18-004 to its intersection with the northerly line thereof;

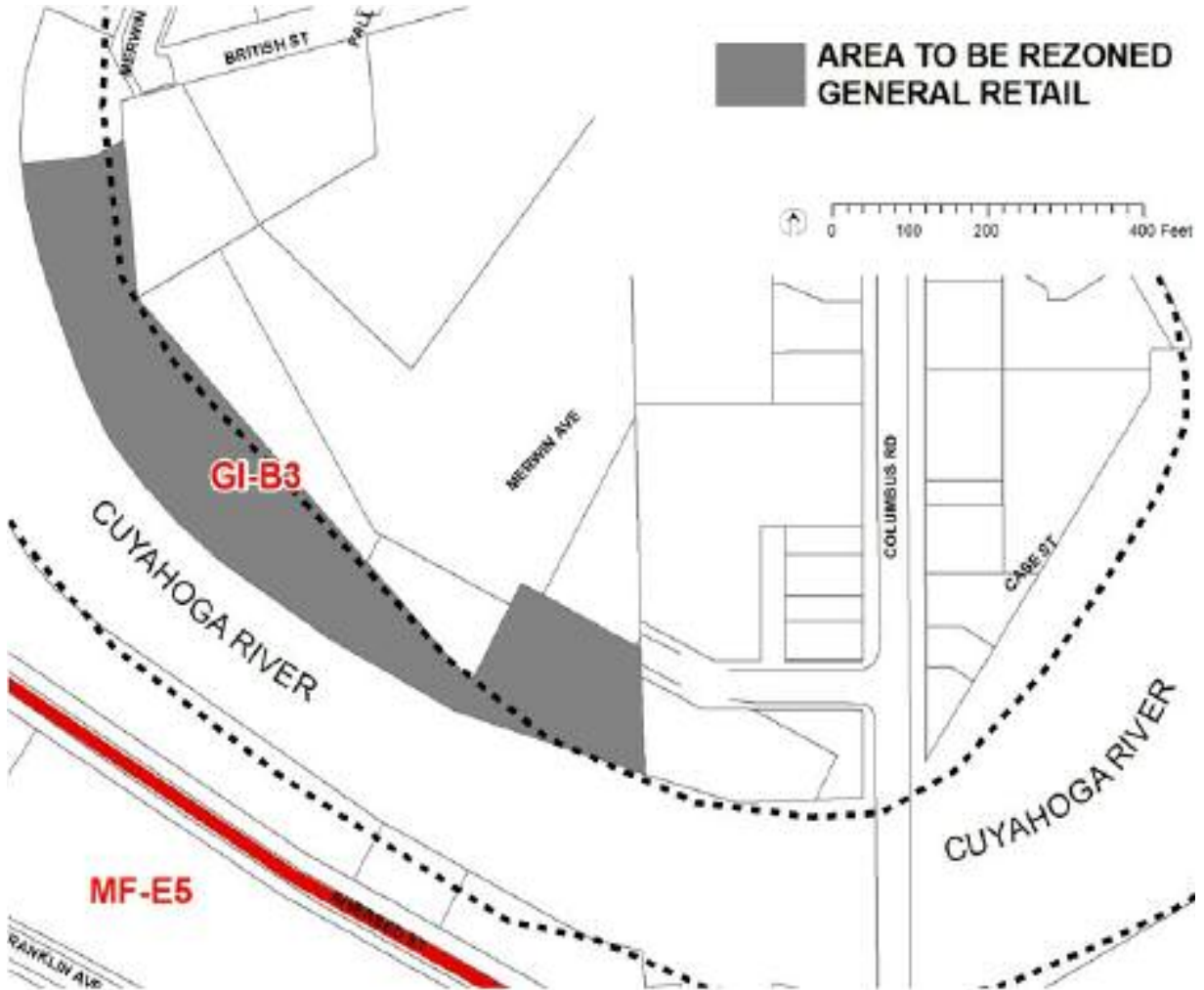
Thence westerly along said northerly line and continuing along its westerly prolongation to its intersection with the centerline of the Cuyahoga River;

Thence southeasterly along said centerline of the Cuyahoga River to its intersection with the southerly prolongation of the easterly line of the aforementioned Permanent Parcel Number 101-18-004;

Thence northerly along said southerly prolongation and said easterly line to its intersection with the westerly prolongation of the centerline of Merwin Street and the principal place of beginning; and as shaded on the attached map is changed to a General Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2284, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 1112-09.

By Council Member Zone.

An ordinance changing the Use District of lands on the southwest corner of West 57th Street and Ithaca Court shown shaded on the attached map from Two Family Residential (2F) to Urban Garden District (UGD) (Map Change No. 2287, Sheet No. 1).

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

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

Beginning in the centerline of West 57th Street at its intersection with the westerly prolongation of the centerline of Ithaca Court;

Thence westerly along said centerline of Ithaca Court to its intersection with the southerly prolongation of the easterly line of Sublot No. 13 in the W.M. Wesseng Subdivision shown on the recorded plat in Volume 4, Page 6 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation and said easterly line to its intersection with the southerly line of Sublot No. 198 in the Benendict & Root Subdivision shown on the recorded plat in Volume 1, Page 13 of Cuyahoga County Map Records;

Thence easterly along said southerly line to its intersection with the easterly line of a parcel of land conveyed to St. Stephen Church by deed dated April 10, 1998 and recorded in Auditor's File Number V98041490041, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-097;

Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Ithaca Court;

Thence easterly along said centerline of Ithaca Court to its intersection with the northerly prolongation of the easterly line of a parcel of land conveyed to the City of Cleveland by deed dated August 18, 1998 and recorded in Auditor's File Number V98110490049, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-094;

Thence southerly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the easterly line of a parcel of land conveyed to Cheryl L. and Benjamin Himes by deed dated September 9, 1999 and recorded in Auditor's File Number 199909092455, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-091;

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

Thence westerly along said southerly line to its intersection with the westerly line thereof;

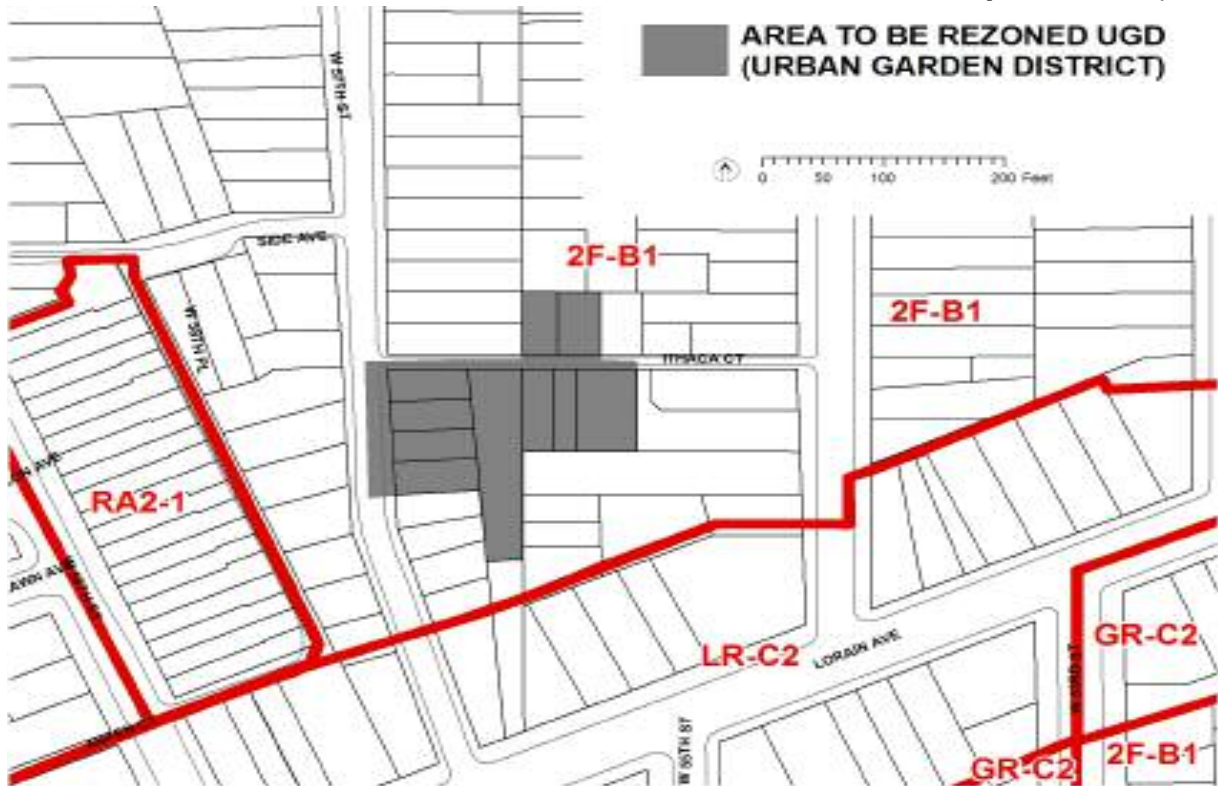
Thence northerly along said westerly line to its intersection with the southerly line of Sublot Number 6 in the Wissing Allotment No. 2 shown on the recorded plat in Volume 39, Page 3 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-31-071;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of West 57th Street;

Thence northerly along said centerline of West 57th Street to its intersection with the westerly prolongation of the centerline of Ithaca Court and the principal place of beginning;

and shaded on the attached map is changed to an Urban Garden District.
Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2287, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 1113-09.

By Council Member Zone.

An ordinance to change the Use District of land located on the northeast corner of Bridge Avenue and W. 58th Street to Open Space and Recreation District (Map Change No. 2286 Sheet No. 1).

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

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

Beginning in the centerline of Bridge Avenue at its intersection with the centerline of West 58th Street;

Thence northerly along said centerline of West 58th Street to its intersection with the westerly prolongation of the northerly line of a parcel of land conveyed to Roger J. Neff by deed dated June 8, 1982 and recorded in Auditor's File Number V82156430511, said parcel also being known as Cuyahoga County Auditor's Number 002-32-162;

Thence easterly along said prolongation and said northerly line to its intersection with the easterly line thereof;

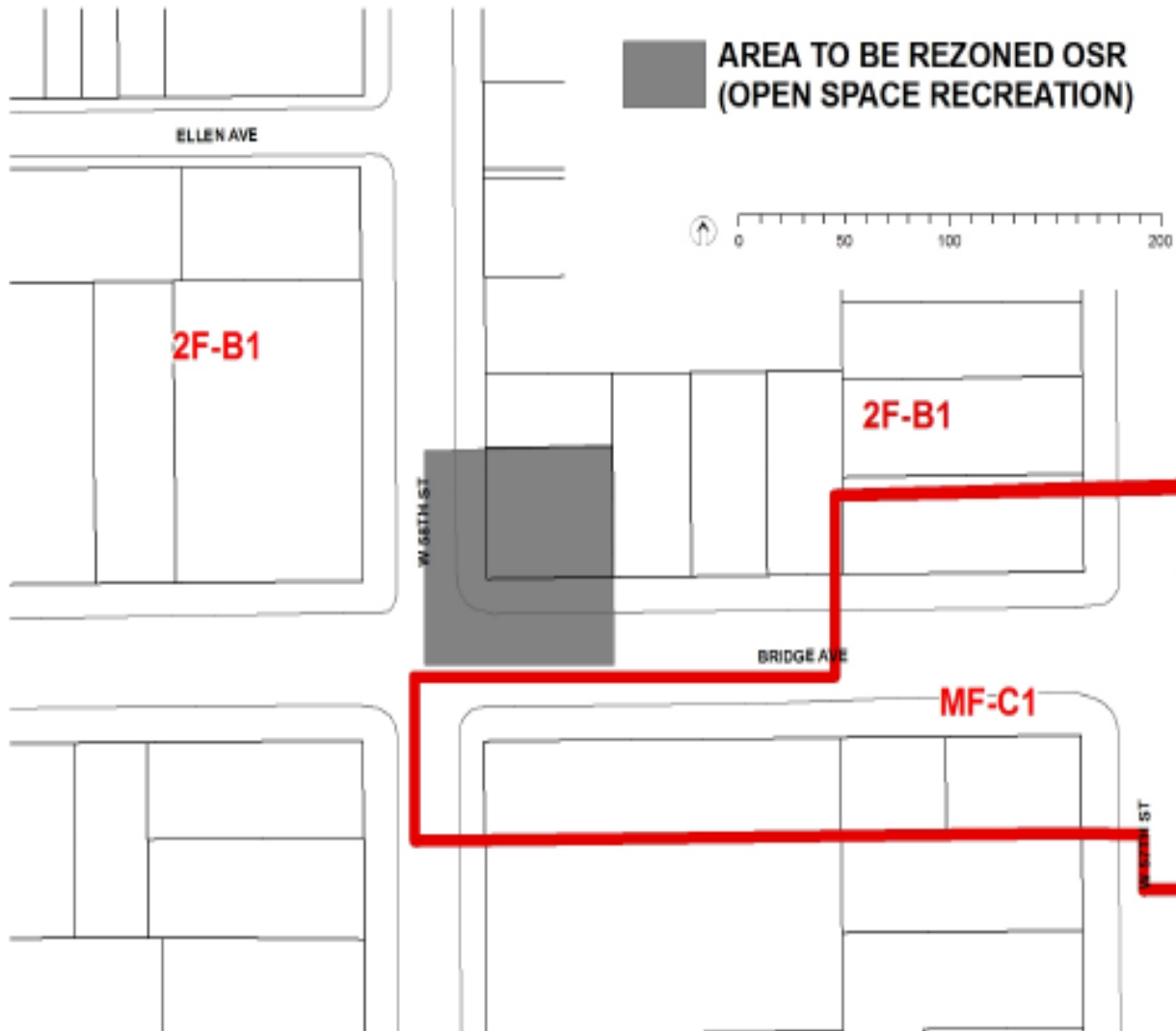
Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Bridge Avenue;

Thence westerly along said centerline of Bridge Avenue to its intersection with the centerline of West 58th Street and the principal place of beginning;

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

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2286, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 1114-09.

By Council Member Zone.

An ordinance to change the Use District of land located on the northeast corner of Clinton Avenue and West 65th Street to Open Space and Recreation District (Map Change No. 2285 Sheet No. 1).

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

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

Beginning in the centerline of Clinton Avenue at its intersection with the centerline of West 65th Street;

Thence northerly along said centerline of West 65th Street to its intersection with the southwesterly prolongation of the southerly line of a parcel of land conveyed to Detroit Shoreway Development Corp by deed dated September 27, 1993 and recorded in Auditor's File Number V93103250041, said parcel also being know as Cuyahoga County Auditor's Permanent Parcel Number 002-16-027;

Thence northeasterly along said southwesterly prolongation and said southerly line and continuing along its northeasterly prolongation to its intersection with the easterly line of a parcel of land conveyed to Joyce Seger by deed dated June 25, 1990 and recorded in Auditor's File Number V90036730008, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 002-16-075;

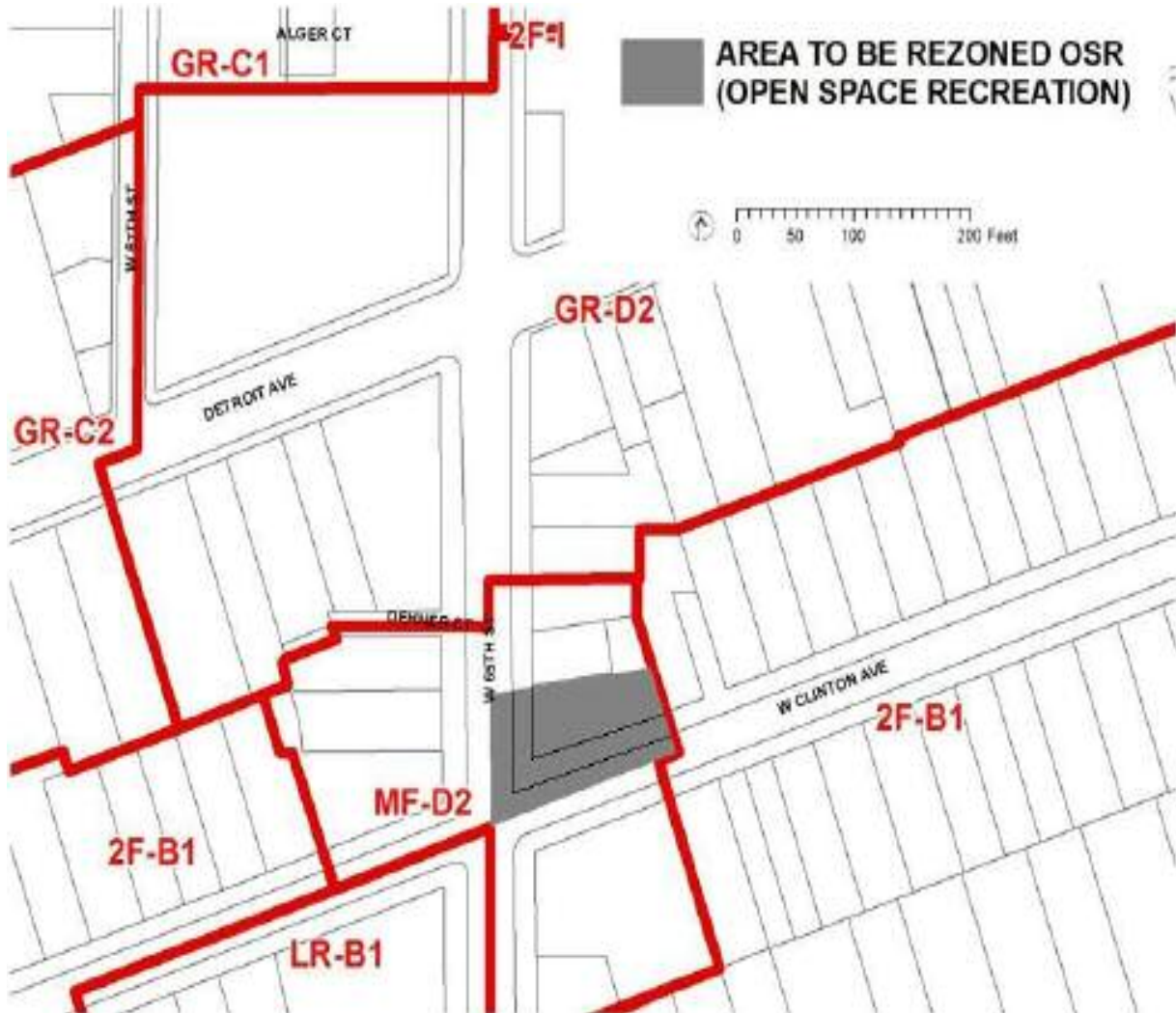
Thence southeasterly along said easterly line and along its southeasterly prolongation to its intersection with the centerline of Clinton Avenue;

Thence southwesterly along said centerline of Clinton Avenue to its intersection with the centerline of West 65th Street and the principal place of beginning;

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

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2285, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

**FIRST READING EMERGENCY
RESOLUTIONS REFERRED**

Res. No. 1059-09.

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

An emergency resolution declaring the intent to vacate a portion of Linton Avenue S.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Linton Avenue S.E., as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being the most Westerly 40 feet of Linton Avenue S.E. (50 feet wide) West of East 55th Street as now widened.

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.

**FIRST READING EMERGENCY
ORDINANCES READ IN FULL
AND PASSED**

Ord. No. 1067-09.

By Council Member Cimperman.

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009, relating to changing the use district of land on the north and south sides of Holmden Avenue east of West 14th Street to an Urban Garden District.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009 are amended to read as follows:

An ordinance changing the Use District of land on the north and south sides of Holmden Avenue east of West 14th Street to an Urban Garden District (Map Change No. 2282, Sheet Nos. 5 and 6).

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

Beginning in the centerline of Holmden Avenue, east of West 14th Street at its intersection with the northerly prolongation of the west-

erly line of Sublot Number 47 in the F. Nicola Subdivision Not Recorded, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-077;

Thence southerly along said northerly prolongation of said westerly line to its intersection with the southerly line thereof;

Thence easterly along said southerly line and continuing along its easterly prolongation to its intersection with the westerly line of Sublot Number 52 in the aforementioned F. Nicola Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-072;

Thence northerly along said easterly line and along its northerly prolongation to its intersection with the centerline of Holmden Avenue;

Thence westerly along said centerline of Holmden Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 7 in the aforementioned F. Nicola Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-035;

Thence northerly along said southerly prolongation of said easterly line to its intersection with the southerly line of Sublot Number 54 in the Meyer Re-Allotment shown on the recorded plat in Volume 12, Page 8 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-024;

Thence westerly along said southerly line to its intersection with the westerly line of the aforementioned Sublot Number 7;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Holmden Avenue;

Thence westerly along said centerline of Holmden Avenue to its intersection with the northerly prolongation of the aforementioned Sublot Number 47 and the principal place of beginning; and shaded on the attached map is changed to an Urban Garden District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2282, Sheet Nos. 5 and 6, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009 are repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1068-09.

By Council Member Keane.

An emergency ordinance designating St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on June 25, 2009 to discuss the proposed designation of St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark; and

Whereas, the Commission has recommended designation of St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park), whose street addresses in the City of Cleveland are 4395-4435 Rocky River Drive, S.W., and 17708-17722 Puritas Avenue, S.W.; Cuyahoga County Auditor's Permanent Parcel Numbers are 027-12-009, 027-12-10, 027-12-012, 027-12-050, 027-12-051, also known as the following described property:

Beginning on the Southeasterly line of Rocky River Drive, S.W. at its intersection with the Northerly line of Puritas Avenue, S.W.; thence Northeasterly along the Southeasterly line of said Rocky River Drive to the Northerly line of land conveyed to William Code by deed dated November 2, 1881 and recorded in Volume 330, Page 197 of Cuyahoga County Records and being also known as Permanent Parcel Number 027-12-009; thence Easterly along the Northerly line of land conveyed to said William Code to the Northeast-erly corner thereof; thence Southerly 264.66 feet along the Easterly line of land conveyed to William Code as aforesaid to the Southeasterly corner thereof; thence Westerly along the Southerly line of land so conveyed to the Westerly line of land conveyed to Kathryn and Thomas Murray by deed dated March 31, 1939 and recorded in Volume 4933, Page 387 of Cuyahoga County Records

and being also known as Permanent Parcel Number 027-12-013; thence Southerly along the Westerly line of said land to the Northerly line of Puritas Avenue; thence Westerly along the Northerly line of said Puritas Avenue to the place of beginning;

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1070-09.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from The Cleveland Foundation for the Public Management Development Program; and authorizing the director to enter into one or more contracts with Cleveland State University to implement the grant.

Whereas, this ordinance constitutes an emergency measure 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 apply for and accept a grant in the approximate amount of \$181,500, and any other funds that may become available during the grant term from The Cleveland Foundation to conduct the Public Management Development Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application preview for the grant contained in the file described below.

Section 2. That the application preview for the grant, File No. 1070-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Finance is authorized to enter into one or more contracts with Cleve-

land State University to implement the grant as described in the file.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1071-09.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the 2009 Byrne Justice Assistance Grant Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant; and authorizing the Director to enter into one or more contracts with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, and Parma to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$1,146,278, from the United States Department of Justice for the 2009 Byrne Justice Assistance Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant application package for the grant contained in the file described below.

Section 2. That the grant application package for the grant, File No. 1071-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term

of the necessary items of materials, equipment, supplies, and services needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Safety is authorized to enter into one or more agreements with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, and Parma (the "Grant Partners") to implement the grant as described in the file. The agreement shall, among other things, include the obligation of the Grant Partners to pay monthly fees to the City for the use of regionalized computer-aided design (CAD) equipment and services, which shall be deposited into the fund or funds determined to be appropriate by the Director of Finance.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1072-09.

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

An emergency ordinance to amend Section 7 of Ordinance No. 725-09, passed June 8, 2009, relating to authorizing the Director of Public Safety to employ one or more professional consultants, software developers, or vendors to implement a

records management system and authorizing standard purchase and requirement contracts necessary to implement the system.

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

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

Section 1. That Section 7 of Ordinance No. 725-09, passed June 8, 2009 is amended to read as follows:

Section 7. That the cost of the contract or contracts authorized shall be paid from Fund No. 20 SF 524, Request No. 188253.

Section 2. That existing Section 7 of Ordinance No. 725-09, passed June 8, 2009 is repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1073-09.

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

An emergency ordinance authorizing the Director of the Office of Equal Opportunity to enter into one or more contracts with National Economic Research Associates, Inc. dba NERA Economic Consulting for professional services necessary to develop, conduct, and interpret a disparity study, including recommending and implementing accepted improvements, for a period up to one year, for the Office of Equal Opportunity.

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

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

Section 1. That the Director of the Office of Equal Opportunity is authorized to enter into one or more contracts with National Economic Research Associates, Inc. dba NERA Economic Consulting for professional services necessary to develop, conduct, and interpret a disparity study, including recommending and implementing accepted improvements, for a period up to one year, on the basis of its proposal dated June 26, 2009, in a sum not to exceed \$758,000, for the Office of Equal Opportunity. The contract or contracts shall be paid from Fund Nos. 01-999800-632000, 60 SF 001, 52 SF 001, Request No. 164803.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1075-09.

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

An emergency ordinance to amend Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, relating to right of entry and placards posted on dwelling structures or premises to be vacated or condemned.

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

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

Section 1. That Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, are amended to read as follows:

Section 367.03 Right of Entry

Upon presentation of proper credentials the **Director of Building and Housing** and his duly authorized agents or inspectors or the **Fire Chief** or his duly authorized agents or inspectors may enter at reasonable times, or at such other times as may be necessary in an emergency, any dwelling, building, structure or premises in the City to perform any duty imposed on him by this Housing Code or the **Fire Code**, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. **If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary.** No person shall in any way obstruct, hinder, delay or otherwise interfere with such entrance **under this Section.**

Section 367.07 Placards Posted by the Department of Building and Housing and the Division of Fire

(a) Whenever the **Director of Building and Housing** orders a dwelling structure or premises to be vacated or condemned **under these codified ordinances**, he shall cause to be posted at each entrance to the structure or premises a placard **which may state, "THIS BUILDING IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING."**

(b) **Whenever the Fire Chief finds a vacant dwelling structure or premises to be declared condemned or it is found to be unsafe under the provisions authority, and procedures**

of any of these codified ordinances he may cause to be posted placards on the front of the structure or premises which comply with the following placarding requirements:

(1) **Placard location.** Placards shall be applied on the front of the structure and be visible from the street. Additional placards may be applied to the side of each entrance to the structure and on penthouses.

(2) **Placard size and color.** Placards shall be 24 inches by 24 inches (610 mm by 610 mm) in size with a red background, white reflective stripes and a white reflective border. The stripes and border shall have a 2-inch (51 mm) stroke.

(3) **Placard date.** Placards shall bear the date of their application to the building and the date of the most recent inspection.

(4) **Placard Symbols.** The design of the placards shall use symbols designated by the Fire Chief or his designee to indicate each of the following:

A. That the structure had normal structural conditions at the time of marking.

B. That the structural or interior hazards exist and interior fire-fighting or rescue operations should be conducted with extreme caution.

C. That structural or interior hazard exist to a degree that consideration should be given to limit fire fighting to exterior operations only, with entry only occurring for known life hazards.

(5) Additional detail may be posted on the placard if determined necessary by the Fire Chief.

(6) **Informational Use.** The use of these symbols and any additional detail shall be informational only and shall not in any way limit the discretion of the Fire Chief or his on-scene Officer in Charge.

(c) No person shall enter or use any structure or premises which have been placarded under this section except for the purpose of making the required repairs or demolishing the structure or premises.

(d) No person shall deface or remove any placard posted under this section until written permission is given by the Director of Building and Housing or the Fire Chief, whoever posted the placard, that the repairs have been completed or demolition is complete or the building is safe.

Section 2. That existing Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, are repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1077-09.

By Council Member Brancatelli.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 947-09 as it pertains to the Summer Music Camp Program through the use of Ward 12 Neighborhood Capital Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 947-09 passed July 1, 2009 are hereby amended to read as follows:

Authorizing the Director of the Department of Community Development to enter into an agreement with the **Slavic Village Development Corporation** for the Summer Music Camp Program through the use of Ward 12 Neighborhood Capital Funds.

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement with the **Slavic Village Development Corporation** effective June 22, 2009 for the Summer Music Camp Program for the public purpose of providing music education for Cleveland youth through the use of Ward 12 Neighborhood Capital Funds.

Section 2. That the Title and Section 1 of Ordinance No. 947-09 passed July 1, 2009 are hereby repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time, Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1078-09.

By Council Member Cimperman.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Progressive Arts Alliance for the RHAPSODY Summer Arts Camp through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development enter into an agreement effective August 3, 2009 with the Progressive Arts Alliance for the RHAPSODY Summer Arts Camp for the public purpose of providing educational and recreational activities to city of Cleveland youth through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said

contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time, Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1079-09.

By Council Member Dow.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Catholic Charities Community Services for the Fatima Fun and Fitness Program through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Catholic Charities Community Services for the Fatima Fun and Fitness Program for the public purpose of providing recreational activities and programs to city of Cleveland youth through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time, Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1080-09.

By Council Member Polensek.
An emergency ordinance amending Section 1 of Ordinance No. 737-09 passed on May 18, 2009 as it pertains to authorizing the Director of the Department of Community Development to enter into an agreement with the Neighborhood Leadership Institute for the Scoop on Summer Program through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 737-09 passed May 18, 2009 is hereby amended to read as follows:

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement effective May 1, 2009 with the Neighborhood Leadership Institute for the Scoop on Summer Program for the public purpose of providing Cleveland residents a brochure of summer activities and programs taking place in the North Collinwood neighborhood through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 737-09 passed May 18, 2009 is hereby repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time, Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1081-09.

By Council Member Polensek.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Neighborhood Leadership Institute for the Community Information Project through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of the Department of Community Development enter into an agreement with the Neighborhood Leadership Institute for the Community Information Project for the public purpose of promoting neighborhoods that are in the city of Cleveland through the use of a communitywide newsletter, through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1082-09.

By Council Member Pruitt.
An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with the William E. Sanders Family Life Center for the Community Bridge Building Program through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Aging is authorized to enter into an agreement effective July 1, 2009 with the William E. Sanders Family Life Center for the Community Bridge Building Program for the public purpose of providing social support services to senior citizens that reside in the city of Cleveland through Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$65,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1083-09.

By Council Members Sweeney and Keane.

An emergency ordinance amending Section 2 of Ordinance No. 801-09 passed June 1, 2009 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Young Audiences of Northeast Ohio, Inc., for the Garfield Elementary School Mural Program through the use of Ward(s) 20 and 21 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 801-09 passed June 1, 2009 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed **\$7,500** and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 801-09 passed June 1, 2009 is hereby repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1084-09.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Clerk of Council to enter into an agreement or agreements with Blue Technologies, Inc. for the professional services necessary to provide a software solution to customize and implement an integrated Legislative Management System, and to provide on-going maintenance for the software and to further authorize the Clerk to enter into an agreement with Hyland Software, Inc., for web hosting services and a software license for Cleveland City Council and repealing Ordinance No. 942-09 passed July 1, 2009.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement or agreements with Blue Technologies, Inc. for the professional services necessary to provide a software solution to customize and implement an integrated Legislative Management System for Cleveland City Council, including, but not limited to, configuration, implementation, training, on-going maintenance and technical support, as well as consultation on future phases of software implementation.

That the Clerk is further authorized to enter into an agreement with Hyland Software Inc. for web hosting services of the software solution and a license for use of the software used to provide a legislative management solution for Council.

The terms of the agreements authorized in this section shall begin on the same effective date and shall be for one year with two one-year options to renew, exercisable by the Clerk.

The total cost of the services provided by the agreements authorized herein shall not exceed \$90,000 for the first year; the cost of a renewal term, if exercised, shall not exceed \$62,000 per year. Payment shall

be made from fund numbers 632000-01-010100 and fund no 11 sub fund 006.

Section 2. That Ordinance No. 942-09, passed July 1, 2009, is hereby repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1085-09.

By Council Member Dow.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Fidelity Baptist Church to stretch banners between East 84th & East 85th and Wade Park for the period from August 1, 2009 to August 31, 2009, inclusive, publicizing their annual bazaar.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Fidelity Baptist Church to install, maintain and remove banners between East 84th and East 85th & Wade Park for the period from August 1, 2009 to August 31, 2009, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1110-09.**By Council Member Cimperman.**

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to John G. Dimarhos to engage in peddling in Ward 13 across from 3301 Payne Avenue.

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

Whereas, this Council has considered the request of John G. Dimarhos to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow John G. Dimarhos to peddle in Ward 13; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances to allow John G. Dimarhos to engage in mobile peddling in the public rights of way of Ward 13 across from 3301 Payne Avenue.

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1115-09.**By Council Member Brady.**

An emergency ordinance authorizing and directing the director of Public Service to issue a permit to Westtown Community Development Corporation to stretch banners at the southwest corner of Terminal Avenue and West 130th Street & the northwest area of West 130th Street, for the period of time from August 1, 2009 to August 31, 2009, inclusive, publicizing the Westpark Community Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of

the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Westtown Community Development Corporation, to install, maintain and remove banners at the southwest corner of Terminal Avenue and West 130th Street & the northwest area of West 130th Street & the northwest area of West 130th Street, for the period from August 1, 2009 to August 31, 2009, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as to not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banners shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it received 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1116-09.**By Council Member Wilkes.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Union Miles Development Corporation to stretch banners on East 93rd Street south of Benham Avenue and across Miles Avenue at East 111th Street, for the period from July 12, 2009 to August 17, 2009, inclusive, publicizing the "Union Miles Community Expo."

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Union Miles Development Corporation to install, maintain and remove banners on East 93rd Street south of Benham Avenue and across Miles Avenue at East 111th Street, for the period from July 12, 2009 to August 17, 2009, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under

the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1117-09.**By Council Member Cimperman.**

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Tremont West Development Corporation for the Arts in August Expo Program through the use of Ward 13 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective August 8, 2009 with the Tremont West Development Corporation for the August Expo Program for the public purpose of providing dancing and cultural education to city of Cleveland residents through the use of Ward 13 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1118-09.
By Council Member Polensek.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Sims Raiders Youth Organization Inc. for Youth Football and Cheerleading Program through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Properties and Recreation is authorized to enter into an agreement with the Sims Raiders Youth Organization Inc., for the Youth Football and Cheerleading Program for the public purpose of providing organized football and cheerleading activities for youth residing in the City of Cleveland through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1119-09.
By Council Member Westbrook.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Community Housing Solutions for the Furnace Repair Program through the use of Ward 18 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Develop-

ment is hereby authorized to enter into an agreement with Community Housing Solutions for the Furnace Repair Program for the public purpose of providing furnace repair assistance to low and moderate income resident that reside in the City of Cleveland through the use of Ward 18 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1156-09.
By Council Members Pruitt and Sweeney (by departmental request).
An emergency ordinance to amend Section 40 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.

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

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

Section 1. That Section 40 of Ordinance No. 947-08, passed June 9, 2008, is amended to read as follows:

Section 40. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. City Comptroller.....	\$42,758.15	\$133,845.38
2. City Treasurer.....	\$42,758.15	\$123,548.92
3. Chief Technology Officer.....	\$45,000.00	\$150,454.32
4. Commissioner of Accounts.....	\$40,314.82	\$128,214.57
5. Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$128,214.57
6. Commissioner of Air Quality.....	\$42,758.15	\$133,845.38
7. Commissioner of Architecture.....	\$42,758.15	\$143,360.63
8. Commissioner of Assessments and Licenses.....	\$40,314.82	\$118,350.91
9. Commissioner of Burke Airport.....	\$40,314.92	\$118,350.91
10. Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$143,360.63
11. Commissioner of Cleveland Public Power.....	\$45,201.46	\$167,171.47
12. Commissioner of Code Enforcement.....	\$42,758.15	\$133,845.38
13. Commissioner of Construction Permitting.....	\$42,758.15	\$133,845.38
14. Commissioner of Convention Center.....	\$45,201.46	\$126,903.17
15. Commissioner of Emergency Medical Services.....	\$42,758.15	\$133,845.38
16. Commissioner of Engineering and Construction.....	\$45,201.46	\$142,289.43
17. Commissioner of Environment.....	\$42,758.15	\$133,845.38
18. Commissioner of Health.....	\$45,021.46	\$142,289.43
19. Commissioner of House of Corrections.....	\$40,314.82	\$118,231.89
20. Commissioner of Information Technology & Services.....	\$52,734.82	\$142,289.43
21. Commissioner of Motor Vehicle Maintenance.....	\$40,314.82	\$128,214.57
22. Commissioner of Real Estate.....	\$40,314.82	\$118,350.91
23. Commissioner of Neighborhood Services.....	\$42,758.15	\$123,548.92

24.	Commissioner of Park Maintenance and Properties	\$42,758.15	\$143,360.63
25.	Commissioner of Parking Facilities.....	\$40,314.82	\$128,214.57
26.	Commissioner of Printing and Reproduction.....	\$40,314.82	\$128,214.57
27.	Commissioner of Property Management.....	\$45,201.46	\$142,289.43
28.	Commissioner of Purchases and Supplies.....	\$42,758.15	\$123,548.92
29.	Commissioner of Recreation.....	\$42,758.15	\$143,360.63
30.	Commissioner of Research/Planning and Development.....	\$40,314.82	\$128,214.57
31.	Commissioner of Streets.....	\$40,314.82	\$128,214.57
32.	Commissioner of Traffic Engineering.....	\$42,758.15	\$123,548.92
33.	Commissioner of Utilities Engineering.....	\$42,758.15	\$118,350.91
34.	Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$118,350.91
35.	Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$128,214.57
36.	Commissioner of Water.....	\$45,201.46	\$167,171.47
37.	Commissioner of Water Pollution Control.....	\$40,314.82	\$128,214.57
38.	Deputy Director Department of Building and Housing.....	\$36,590.39	\$133,845.38
39.	Director of Workforce Development	\$70,000.00	\$160,000.00
40.	Income Tax Administrator.....	\$42,758.15	\$133,845.38
41.	Manager of Internal Audit	\$40,314.82	\$118,350.91

Section 2. That existing Section 40 of Ordinance No. 947-08, passed June 9, 2008, is amended.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1157-09.

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

An emergency ordinance Approving the terms of the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Security Officers); and amending Section 14 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the terms of the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Security Officers), as contained in the executive summary, placed in File No. 1157-09-A, for the period from April 1, 2007 through March 31, 2010, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

*Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That Section 14 of Ordinance No. 947-08, passed June 9, 2008, is amended to read as follows:

Section 14. Ohio Patrolmen's Benevolent Association. (Security Officers). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Security Officer.....	\$10.80	\$20.29

Section 3. That existing Section 14 of Ordinance No. 947-08, passed June 9, 2008, is repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1159-09.

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

An emergency ordinance to amend Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, relating to applying to the Northeast Ohio Area-wide Coordinating Agency for various infrastructure projects and to authorize other contracting authority to include the East 14th Streetscape to the project list; and to supplement the ordinance by adding new Section 12a. to authorize the Director of Public Service to enter into one or more contracts with URS Corporation to design the improvement.

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

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

Section 1. That Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, are amended to read as follows:

Section 1. That the Director of Public Service is authorized to apply to NOACA to pursue federal ARRA economic assistance, on behalf of the City of Cleveland, for the following projects in the following approximate amounts:

1. The Rehabilitation of Willow Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;
2. The Avenue District, Ph IV: Rehabilitation of E. 12th St. from Superior Ave. to Chester Ave., in the approximate amount of \$800,000;
3. The Rehabilitation of Center Street Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;
4. The Kamms Streetscape Improvement, Ph III: Lorain Ave. from West corporation line to W. 150th Project, in the approximate amount of \$2,200,000;
5. The Rehabilitation of Carter Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;
6. The Rehabilitation and Replacement of Concrete Retaining Walls at Norfolk and Southern Railroad Bridge over Madison Avenue and CSX Railroad Bridge over Nottingham Road, in the approximate amount of \$5,000,000; and

7. The East 14th Street Streetscape Improvement from Prospect Avenue to Euclid Avenue, in the approximate amount of \$2,800,000.

That the Director of Public Service has already received legislative authority to apply to NOACA to pursue federal economic assistance, which now will include federal ARRA funds, for the following projects in the following approximate amounts:

8. The Reconstruction of the "W 77th Street Bridge Project over Norfolk and Southern Railroad and GCRTA", in the approximate amount of \$884,000, as authorized by Ordinance No. 649-87, passed March 30, 1987.

9. The Reconstruction of the "Aetna Road Bridge over CSX Railroad", in the approximate amount of \$592,230, as authorized by Ordinance No. 743-08 passed June 9, 2008.

Section 20. That the cost of any contract or contracts or payments authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, **20 SF 528**, any state or federal funding received under this ordinance, from the fund or funds to which are credited any grant funds or gifts received under this ordinance, and from any other funds that are appropriated for this purpose. (RL 188410)

Section 2. That existing Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, are repealed.

Section 3. That Ordinance No. 319-09, passed March 16, 2009 is supplemented by adding new Section 12a. to read as follows:

Section 12a. That the Director of Public Service is authorized to enter into one or more contracts with URS Corporation for professional services necessary to design the streetscape improvement of East 14th Street as authorized in Section 1 of this ordinance on the basis of its proposal dated July 27, 2009, in the sum not to exceed \$100,000, for the Department of Public Service.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1160-09.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. in connection with the sale of City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. for the sale of City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, and further described as follows:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "A" in the Map of Consolidation for Primary Health Systems of Ohio, Limited

Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "B" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "D" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 4

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "E" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 5

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot No. 320 and bounded and described as follows:

Beginning in the centerline of Broadway S.E. at the most Northerly corner of premises conveyed by Theophilus G. Clewell and wife to Lorenz Sanda by deed dated June 5, 1890, and recorded in Volume 475, Page 508 of Cuyahoga County Records;

Thence South 52° West along the Northerly line of said land deeded to Lorenz Sanda 209 feet to the most Westerly corner thereof;

Thence Northwesterly and parallel with the centerline of Broadway S.E. 40 feet;

Thence Northeasterly and parallel with said first described course 209 feet to the centerline of Broadway S.E.;

Thence Southeasterly along the centerline of Broadway S.E. 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That by and in the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described above under the option at a price determined to be fair market value by the Board of Control, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the Option to Purchase Agreement shall be prepared by the Director of Law.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 5. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with Fast Track Cycling, Inc., for the acquisition, disposition and private redevelopment of the property described in this ordinance.

Section 6. That the proceeds from the sale of the property shall be deposited into Fund No. 10.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1162-09.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Friends of E Prep Schools to encroach into the public right-of-way above Superior Avenue and East 36th Street with 15 banners to be attached to Cleveland Public Power and First Energy utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Friends of E Prep Schools ("Permittee"), 1417 East 36th Street, Cleveland, Ohio 44114, to encroach into the public right-of-way above Superior Avenue and East 36th Street by installing, using, and maintaining 15 banners to be attached to Cleveland Public Power and First Energy utility poles (by separate permission) at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
North side of Superior Ave.		
1st pole east of E. 36th St.	A6-29	CPP
2nd pole east of E. 36th St.	No Tag	CPP
3rd pole east of E. 36th St.	M16-13	CPP
4th pole east of E. 36th St.	No Tag	CPP
East 36th St. between Superior Ave. and St. Clair Ave. 1st thru 7th pole on east side of street	No Tag	First Energy
South side of St. Clair Ave.		
1st and 2nd pole west of E. 36th St.	No Tag	CPP
1st and 2nd pole east of E. 36th St.	No Tag	CPP

Section 2. That Permittee may assign the permit only with the written consent of the Director of Public Service. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1164-09.
By Council Member Cimperman.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 13 (Timothy Stewart).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 13; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each person named below to engage in peddling in the public rights of way of Ward 13: Timothy Stewart

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1175-09.
By Council Member Brady.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 as it pertains to the Friends of the Historic Variety Theatre Restoration Project through the use of Ward 19 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 are hereby amended to read as follows:

Authorizing the **Director of the Department of Economic Development to enter into agreement with the Friends of the Historic Variety Theatre for the Historic Variety Theatre Commercial and Residential Restoration Project** through the use of Ward 19 Neighborhood Equity Funds.

Section 1. That the **Director of the Department of Economic Development is authorized to enter into an agreement with The Friends of the Historic Variety Theatre for the Variety Theatre Commercial and Residential Restoration Project for the public purpose of promoting historic preservation of a historic building and creating low to moderate income housing for city of Cleveland residents** through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 are hereby repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1176-09.
By Council Member Dow.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Famicos Foundation for the League Park Chargers Football Program through the use of Ward 7 Neighborhood Equity Funds

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

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

Section 1. That the Director of the Department of Parks, Recreation and Properties is hereby authorized to enter into an agreement with Famicos Foundation for the League Park Chargers Football Program for the public purpose of providing organized youth sports football activities for city of Cleveland youth through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$4,650 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1177-09.
By Council Member Westbrook.
An emergency ordinance authorizing the Director of Community Development to enter into agreement with Park Works for the Park Arts Program through the use of Ward 18 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective July 8, 2009 with Park Works for the Park Arts Program for the public purpose of providing art and recreational education for Cleveland residents through the use of Ward 18 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1074-09.
By Council Members Brady and Sweeney (by departmental request).
An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving East 151st Street, Melville Road, West 61st Street, West 64th Street, and West 90th Streets, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 87-09, adopted March 9, 2009, this Council declared the necessity of improving East 151st Street from Glendale Avenue to Bartlett Avenue, Melville Road from St. Clair Avenue to Nottingham Road, West 61st Street from Detroit Avenue to Herman Avenue, West 64th Street from Detroit Avenue to Herman Avenue, and West 90th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-ways or otherwise improving the right-of-ways; and

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

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

Whereas, written objection to the estimated assessments may be filed by one or more property owners; and

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

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

Section 1. That David J. Tarditi, John Moss, and Brian L. Bruzda, three disinterested freeholders of the City, are appointed as an assessment equalization board, and Carol A. Boddy, a disinterested freeholder, is appointed an alternate member, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 87-09, adopted March 9, 2009, of this Council.

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1107-09.

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

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

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

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

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

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

Whereas, most RTA riders would say they would rather pay increased fares than see the Community Circulator routes be eliminated; and

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

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

Section 1. That this Council urges the Greater Cleveland Regional Transit Authority to reconsider eliminating Community Circulators and to meet with City Council and other community leaders in order to determine other ways to save money without negatively impacting community circulator riders and neighborhood routes.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1108-09.

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

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

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

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

Whereas, if the Beachland Station post office were to close, this would devastate the East 185th Street commercial corridor and the adjacent residential communities in Cleveland's Ward 11 and the City of Euclid; and

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

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

Section 1. That this Council urges the United States Postmaster General to keep open the Beachland Station post office located at 891 East 185th Street in Cleveland.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1109-09.

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

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

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

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

Whereas, the 2005 MidTown Master Plan identifies the Museum site as the MidTown neighborhood's "central green," providing a major amenity and sense of identity within the neighborhood; and

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

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

Whereas, the City of Cleveland seeks to coordinate with nonprofits such as the Museum to increase the

availability of high-quality recreation opportunities and facilities that meet the needs of Clevelanders of all ages, ability levels, incomes and interests; and

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

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

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

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

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

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

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

Section 1. That this Council supports Western Reserve Land Conservancy's application to the Clean Ohio Conservation Fund for the Dunham Tavern Museum Expansion and Preservation Project.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1086-09.

By Council Member Brady.

An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 13525 Lakewood Heights Boulevard.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1087-09.

By Council Member Brady.

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

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

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

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

a municipal department; now, therefore,

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

Section 1. That objection to a C1 and C2 Liquor Permit to Convenience Management Services, Inc., DBA BP #3620, Mart #4431, 10202 Lorain Avenue, Cleveland, Ohio 44111, Permanent No. 17090950210, be and the same is hereby withdrawn and Resolution No. 929-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1088-09.

By Council Member Brady.

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

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

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

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

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

Section 1. That objection to a C1 Liquor Permit to Convenience Management Services, Inc., DBA BP #3619, 3065 West 117th Street, Cleveland, Ohio 44119, Permanent No. 17090950400, be and the same is hereby withdrawn and Resolution No. 930-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1091-09.
By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 2132 West 25th Street, 1st floor.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Nancy Cotton, DBA Mr. Lucky's, 5474 Broadway Avenue, Cleveland, Ohio 44127, Permanent Number 1769654; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1093-09.

By Council Member Cummins.

An emergency resolution withdrawing objection to the transfer of ownership of C1 and C2 Liquor Permit at 2145 Broadview Road and repealing Resolution No. 793-09, objecting to said transfer

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

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Kathy Miles, DBA Michael's Deli & Beverage, 2145 Broadview Road, Cleveland, Ohio 44109, Permanent No. 3486305, be and the same is hereby withdrawn and Resolution No. 793-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1094-09.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 7017-19 Superior Avenue, 1st and 2nd floors.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1095-09.

By Council Member Kelley.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4450-52 Broadview Road.

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operat-

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1096-09.

By Council Member Kelley.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1097-09.

By Council Member Kelley.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 5741 Memphis Avenue.

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

Whereas, the granting of this application for a liquor permit to this high crime area, which is

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement 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 A & A Convenient Food Mart, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0003182 to Jaigurudev, Inc., 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 4219893; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at State Road Food & Beverage, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8517121 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1099-09.
By Council Member Kelley.
An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 4693 State Road.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1100-09.
By Council Member Kelley.
An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 4716 State Road.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1101-09.**By Council Member Miller.****An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 625 East 140th Street.**

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Walgreen Co.,

DBA Walgreens #03234, 4281 West 130th Street, Cleveland, Ohio 44135, Permanent Number 935794103234; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has 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 BP Products North America, Inc., DBA Site #04358, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 08984674358 to Convenience Management Services, Inc., DBA BP 3618, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 17090950405, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1104-09.

By Council Member Mitchell.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 2623 Woodhill Road, 1st floor.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1105-09.

By Council Member Wilkes.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1106-09.

By Council Member Wilkes.

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

Whereas, Council has been notified by the Department of Liquor

Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Ahmed Mini Market, Inc., DBA Ahmed Mini Market, 11334 Miles Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0079613 to Miles Mini Mart, Inc., 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 5951324; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Ahmed Mini Market, Inc., DBA Ahmed Mini Market, 11334 Miles Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0079613 to Miles Mini Mart, Inc., 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 5951324; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03226, 6410 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 935794103226, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1126-09.**By Council Member Cimperman.**

An emergency resolution objecting to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit at 618 Prospect Avenue, 2nd floor only.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1127-09.**By Council Member Cimperman.**

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1128-09.**By Council Member Cimperman.**

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1616 West 25th Street.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1129-09.**By Council Member Cleveland.****An emergency resolution objecting to the renewal of a C1 Liquor Permit at 7002 Cedar Avenue.**

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1132-09.**By Council Member Mitchell.**

An emergency resolution objecting to the renewal of a D1, D2 and D6 Liquor Permit at 1931 Coltman Road, 1st floor.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1133-09.**By Council Member Cleveland.**

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1134-09.**By Council Member Johnson.**

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1135-09.**By Council Member Johnson.****An emergency resolution objecting to the renewal of a D5 Liquor Permit at 10008 Buckeye Road.**

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

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

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

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

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 72245520007 owned by Ray Por, Inc., DBA Eastwood Inn, 10008 Buckeye Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 6877045 owned by Phase III Corporation, DBA Phase III, 11132 Buckeye Road, Box 20370, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

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

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreen's #03307, 15609 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 935794103307, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1142-09.
By Council Member Polensek.
An emergency resolution object-
ing to the transfer of ownership of
a D5 Liquor Permit to 16826 Lake-
shore Boulevard.

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from 16826 Lakeshore Boulevard, Inc., 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 7551142 to Lakeshore Cocktails, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600 ; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1143-09.
By Council Member Polensek.
An emergency resolution object-
ing to the renewal of a C1 and C2
Liquor Permit at 18506 St. Clair
Avenue.

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

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

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

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

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

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

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1144-09.**By Council Member Reed.****An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 4005-07 East 131st Street.**

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

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

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No. 9819313 owned by Yar Rum, Inc., DBA Murray's, 4005-07 East 131st Street, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1145-09.**By Council Member Reed.****An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3744 East 144th Street, 1st floor only.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 0300177 owned by Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1146-09.**By Council Member Reed.****An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 14300 Kinsman Road, 1st floor and basement.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 0505406 owned by Robert Dale Batch, DBA Your Snack Shack, 14300 Kinsman Road, 1st floor and basement, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1147-09.**By Council Member Reed.****An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 10300 Union Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 6549357 owned by 10300 Union, Inc., DBA LaRobbs Nightclub, 10300 Union Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1148-09.**By Council Member Reed.****An emergency resolution objecting to the renewal of a C1, C2 and D6 Liquor Permit at 12408 Union Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1, C2 and D6 Liquor Permit, Permit No. 6371287 owned by New Coast, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1149-09.**By Council Member Santiago.****An emergency resolution objecting to the renewal of a C1 Liquor Permit at 3226 Clark Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 6527435 owned by OLA 3226 Inc., 3226 Clark Avenue, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1150-09.
By Council Member Santiago.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3382 West 44th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1639762 owned by Heriberto Colon, DBA El Tropical, 3382 West 44th Street, 1st floor rear and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1151-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 12401 Corlett Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 7748288 owned by SAS Enterprises of Ohio, LLC, DBA Corlett Mini Stop, 12401 Corlett Avenue, 1st floor, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1152-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 9305 Miles Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 6416088 owned by Ninety-Three Miles, Inc., DBA Convenience Plus Food Mart, 9305 Miles Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1153-09.**By Council Member Wilkes.****An emergency resolution objecting to the renewal of a C2, C2X and D6 Liquor Permit at 11609 Miles Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2, C2X and D6 Liquor Permit, Permit No. 3479133 owned by Habibi, Inc., DBA Frank's Marathon, 11609 Miles Avenue, Cleveland, Ohio 44195, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1154-09.**By Council Member Sweeney.****An emergency resolution objecting to a New C2 Liquor Permit at 13712 Lorain Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Free Phone For You, Inc., 13712 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 2911406; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Free Phone For You, Inc., 13712 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 2911406; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1161-09.**By Council Member Mitchell.****An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 2603 Woodhill Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 4118409 owned by Ibal, Inc., DBA American Food Mart, 2603 Woodhill Avenue, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1163-09.**By Council Member Reed.**

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 12802 Kinsman Road, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 3019386-0005 owned by Beverly C. Galloway, 12802 Kinsman Road, 1st floor and basement, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1165-09.**By Council Member Miller.**

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 4307201 owned by Johnny & Co. Bar & Grill, LLC, DBA Johnny & Co. Bar and Grill, 18029 Euclid Avenue, Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1166-09.**By Council Member Miller.**

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 12515-19 St. Clair Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 7514486 owned by Roscoe, Inc., DBA Honey Do Club, 12515-19 St. Clair Avenue, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1167-09.**By Council Member Cleveland.****An emergency resolution objecting to the renewal of a C2, C2X and D6 Liquor Permit at 2747 Cedar Avenue, 1st floor and basement.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2, C2X and D6 Liquor Permit, Permit No. 71337770005 owned by Quasem, Inc., 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1168-09.**By Council Member Cleveland.****An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 4643 Broadway Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 76857450005 owned by Salina, Inc., DBA Broadway Deli, 4643 Broadway Avenue, 1st floor, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1169-09.**By Council Member Cleveland.****An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3135 East 79th Street.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 3043671 owned by Garden Valley Shop Express, Inc., 3135 East 79th Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1170-09.**By Council Member Cummins.**

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3314 Broadview Road, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 6483695 owned by N Yuk Yuks Bar & Grill, Inc., DBA N Yuk N Yuks, 3314 Broadview Road, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1171-09.**By Council Member Conwell.**

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 11139-43 Superior Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 4316046 owned by Bobbie Johnson, DBA Frecks, 11139-43 Superior Avenue, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1172-09.**By Council Member Zone.**

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 8309 Madison Avenue, 1st and 2nd floors.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 0142976 owned by Almont, Inc., DBA Sea Level, 8309 Madison Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1173-09.**By Council Member Keane.****An emergency resolution objecting to the renewal of a C1 Liquor Permit at 14910 Lorain Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 7057634 owned by Prakash, Inc., DBA JRS Mini Mart, 14910 Lorain Avenue, Cleveland, Ohio 44111, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1174-09.**By Council Member Cleveland.****An emergency resolution withdrawing objection to the transfer of ownership of C1 Liquor Permit at 7002 Cedar Avenue and repealing Resolution No. 460-09, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Cedar Crest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent No. 1350137, by Resolution No. 460-09 adopted by the Council on April 6, 2009; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a C1 Liquor Permit to Cedar Crest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent No. 1350137, be and the same is hereby withdrawn and Resolution No. 460-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 698-09.**

By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Bradford Airport Logistics to operate a centralized receiving and distribution center for all concessions operating at Cleveland Hopkins International Airport, for the Department of Port Control, for a period of five years, with one option to renew for an additional five year period, exercisable by the Director of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In the title, strike lines 9 and 10 in their entirety and insert "**additional five year period, exercisable through additional legislative authority.**".

2. In Section 1, line 8, strike "exercisable by the Director of Port Control" and insert "**exercisable through additional legislative authority.**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 753-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to prepare a comprehensive financial plan including a cost of service, and rate and fee analysis for the years 2011 through 2015, for the Divisions of Water and Water Pollution Control, Department of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 758-09.

By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Continental Airlines, Inc. for hangar space and aircraft maintenance and repair at Cleveland Hopkins International Airport, for the Department of Port Control, for a period of twenty years, with one five year option to renew, exercisable by the Director of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In the title, line 6, after "Control," insert "**and to issue rent credits to Continental Airlines, Inc. for the cost of determining fair market value by independent appraisal of the leased premises**" and strike lines 8 and 9 in their entirety and insert "**to renew, exercisable through additional legislative authority.**".

2. In Section 1 line 5, strike "exercisable by the Director of Port Control" and insert "**exercisable through additional legislative authority.**".

3. In Section 2, line 4, after "appraisal." insert "**That the Director of Port Control is authorized to issue rent credits to Lessee for the purpose of reimbursing Lessee the cost of the appraisal to determine fair market value of the Leased Premises. The rent credit amount shall be equal to the cost of the appraisal and is subject to approval of the Director of Port Control. The Director of Port Control is authorized to execute any additional documents necessary and appropriate to issue the rent credits.**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 762-09.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the necessary items of materials, equipment, supplies, and services needed to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, including labor, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 879-09.

By Council Members Keane, Brady, Sweeney, Cummins, Santiago, Mitchell, Zone, Cimperman, Cleveland, Polensek, Westbrook, Brancatelli, Wilkes, Conwell, Cloud, Kelley, Miller and Reed.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 171.391 relating to health care benefits for surviving spouse and dependents of employees killed in the line of duty.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Legislation, Finance; when amended as follows:

1. In Section 1, at new Section 171.391(a), line 5, strike "existing".

2. In Section 1, at new Section 171.391, insert new division (c) as follows:

"(c) Eligible survivors who are entitled to the benefits must pay the same contribution to the premium as paid by the City employees."

3. Insert new Section 2 to read as follows:

"Section 2. That Section 171.391 of the Codified Ordinances of Cleveland, Ohio, 1976, shall take effect as soon as legally permissible."

4. Renumber existing Section 2 to new "Section 3."

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 900-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and

materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to, heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, including installation if necessary, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period up to two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In the title, strike the last two lines and insert "**Public Power, Department of Public Utilities.**".

2. In Section 1, line 3, strike "for the period up to two years" and insert "**for the period of one or two years**"; and at the end, add "**The Director of Public Utilities authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 901-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, for the Division of Water, Department of Public Utilities, for a period of one year.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 902-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to participate in the Doan Brook Watershed Partnership; and to cause payment for the City's cost to participate in and to implement the objectives of the Partnership.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 906-09.

By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing

additional emergency generator power supply at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 907-09.

By Council Member Kelley.

An emergency ordinance designating Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 908-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of one driving simulator and a modular classroom, including appurtenances and training, and not to exceed ten police cruisers with standard police vehicle equipment to implement the 2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland", for the Division of Police, Department of Public Safety.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 909-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Roger Oviatt and Elsie Day to implement the 2009 Edward Byrne Memorial Competitive Grant; and to enter into one or more agreements with various agencies and entities to implement the grant.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 910-09.

By Council Members Zone, Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recre-

ation and Properties to enter into one or more contracts with McKnight Associates Ltd. for professional services necessary to design revisions to the Zone Recreation Center Master Plan.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 917-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the 2009 Gang Resistance Education and Training Program.

Approved by Directors of Public Safety Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 918-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Attorney General for the Special Ohio Drug Use Prevention Grant.

Approved by Directors of Public Safety Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 919-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 2009 Paul Coverdell Forensic Science Improvement Grant.

Approved by Directors of Public Safety Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 923-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with various agencies, entities, or individuals needed to implement the 2009 State Byrne Memorial Justice Assistance Grant; authorizing the Director to enter into one or more contracts with Adcom Communications for marketing, education, and awareness services; and authorizing the purchase or lease of television and radio advertising time and other media.

Approved by Directors of Public Safety Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 924-09.

By Council Members Cleveland, Dow and Sweeney (by departmental request).

An emergency ordinance to repeal Sections 227.01 through 227.25 and 227.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 227.01 to 227.35 and 227.99 relating to relating to day cares.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Legislation, Finance; when amended as follows:

1. In the title, line 7, strike "relating to relating to day" and insert "relating to day".

2. In Section 2, at new Section 227.22(a), line 2, strike "Board of Health" and insert "Department of Public Health".

3. In Section 2, at new Section 227.26, line 5, strike "of the child examined" and insert "of the child examined, including a recent blood lead test for children under 6 years of age,".

4. In Section 2, at new Section 227.99(a), line 4, strike "one hundred dollars (\$100.00)" and insert "three hundred dollars (\$300.00)".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 964-09.

By Council Members Kelley, Brancatelli, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvements of renovating and rehabilitating Aviation High School and its associated property and constructing a temporary consolidated maintenance facility at Burke Lakefront Airport; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvements; to employ one or more professional consultants to design the improvements and to enter into various written standard purchase and requirement contracts; to lease Aviation High School and its associated property to MCPe, Inc., dba MCPe Computer Products, for a term of fifteen years; to apply for and accept grants from any public or private entities to implement the improvements; and authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with MCPe to provide for a 15 year, 68.25% tax abatement for certain tangible real property improvements as an incentive to renovate and rehabilitate Aviation High School

and its associated property, located at 1501 North Marginal Road in the Cleveland Area Enterprise Zone.

Approved by Directors of Port Control, Economic Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Community and Economic Development, City Planning, Finance; when amended as follows:

1. In the title, line 15, after "years;" insert "and"; and strike lines 17 through the end, and insert "entities to implement the improvements,".

2. Strike the 5th, 6th, 7th, 8th, 9th, 10th, and 11th whereas clauses in their entirety and insert:

"Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,".

3. Strike Sections 19, 20, 21, 22, 23, and 24 in their entirety and insert:

"Section 19. That the Department of Port Control shall develop a memorial honoring General Benjamin O. Davis at an appropriate location to be determined by the Department,".

4. Rename existing Sections 25 and 26 to "Section 20" and "Section 21".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 971-09.

By Council Member Cimperman.

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 76 of the Charter of the City of Cleveland, relating to the City Planning Commission.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committees on City Planning, Legislation.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**SECOND READING
ORDINANCES PASSED**

Ord. No. 667-09.

By Council Member Pruitt.

An ordinance to change the zoning of lands on the north side of Miles Avenue at Judson Drive and E. 146th Street from GR to LR (Map Change No. 2277, Sheet 10).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 668-09.

By Council Member Pruitt.

An ordinance to change the zoning of lands on the east side of Lee Road south of Kollin Avenue from 1F-A1 to LR-C1 (Map Change No. 2278, Sheet 10).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 972-09.

By Council Member Cimperman. An ordinance changing the Use District of lands on the south side of Clark Avenue between the intersections of W. 13th Street and an Unnamed Alley to a Local Retail Business District and a Two Family Residential District and a 'B' Area District as indicated on the map (Map Change No. 2283, Sheet No. 5).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning; when amended as follows:

1. In the title, line 8, strike "Sheet No. 5" and insert "**Sheet Nos. 5 & 6**".

2. In Section 1, line 10, after "prolongation" insert "**of the centerline of**"; in line 11, strike "easterly prolongation" and insert "**westerly prolongation and along its easterly prolongation**"; and in line 14 and 15, strike "West 12th Street" in both places and insert "**West 11th Street**".

3. In Section 2, line 8, after "Unnamed Alley to" insert "**its**"; and in line 15, strike "Local Retail Business District" and insert "**Two Family Residential District**".

4. In Section 3, line 2, strike "Sheet No. 5" and insert "**Sheet Nos. 5 & 6**". Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 862-09.

By Council Members Brady, Cimperman and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of East 23rd Street, East 25th Street, East 25th Place and Payne Court N.E.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

MOTION

By Council Member Miller, seconded by Council Member Cloud and unanimously carried that the absence of Council Member Brian Cummins, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:30 p.m. to meet on Monday, September 14, 2009, at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

The following measure will be on its final passage at the next meeting:

NONE

BOARD OF CONTROL

August 5, 2009

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, August 5, 2009, at 10:54 a.m. with Director Dumas presiding.

Present: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Acting Director Thornton, Director Fumich, Interim Director Feliciano and Director Rybka.

Absent: Mayor Jackson and Director Triozzi.

Others: Jim 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. 311-09.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of July, 2009 in the amount of \$13,019.53, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Triozzi and Acting Director Thornton.

Resolution No. 312-09.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 127.11, Codified Ordinances of Cleveland, Ohio, 1976, Modis, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to maintain and support CCA's MITIS computer system, for the Division of Taxation, Department of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with Modis, Inc.,

based on its proposal dated June 5, 2009, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee not exceeding \$700,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Triozzi and Acting Director Thornton.

Resolution No. 313-09.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1657-08, passed by the Council of the City of Cleveland on December 8, 2008, Woolpert, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide GIS Consulting Services that will supplement the regularly employed staff of multiple sections within CWD in order to provide project management, computer programming and support, and a variety of other information technology services on an as-needed basis to implement improvements to the Geographic Information System (GIS), for a term not exceeding two years, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Woolpert, Inc. based upon its proposal dated, May 22, 2009, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, in an amount not to exceed \$350,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Woolpert, Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Moss-Card Consulting (CSB/MBE/FBE)	\$45,500.00 13.00%
Security Micro Imaging Corp.	\$33,000.00 9.43%

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Cox, Rush, Hutchinson, Acting Director Thornton, Director Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Triozzi and Flask.

Resolution No. 314-09.

By Interim Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 480-09, passed by the Council of the City of Cleveland on June 1, 2009, Stearns/Conrad and Schmidt Consulting Engineers, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of Public Utilities Department of the City of Cleveland to perform the professional services necessary to plan and design the facility, apply for necessary permits, licenses, or authorizations and perform other related assessments and studies, including but not limited to performing a study to determine the composition of Cleveland's municipal waste and its suitability for the project, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Sterns, Conrad and Schmidt Consulting Engineers, Inc., based on its proposal dated July 16, 2009, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$58,361.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultant is approved:

<u>SUB-CONSULTANT</u>	<u>AMOUNT PERCENTAGE</u>
Quick Employment LLC (CSB)	\$10,560.00 18.09%

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Cox, Rush, Hutchinson, Acting Director Thornton, Director Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Triozzi and Flask.

Resolution No. 315-09.

By Interim Director Withers.
 Whereas, under the authority of Ordinance No. 1924-07, passed by the Council of the City of Cleveland on January 28, 2008, and Resolution No. 188-08, adopted by this Board of Control on April 23, 2008, the City through its Director of Public Utilities, entered into Contract No. 67975 with RNR Consulting ("Consultant"), to provide a technical and financial feasibility study to analyze the proposed construction of a waste-to-energy facility at the Ridge Road Transfer Station, for the Division of Cleveland Public Power, Department of Public Utilities, for an amount not to exceed \$250,000.00; and

Whereas, Ordinance No. 1924-07 authorizes this Board of Control to

fix the compensation paid to Consultant at an amount not to exceed \$250,000.00; and

Whereas, the total compensation to be paid to Consultant under Contract No. 67975 has been exhausted and the Division of Cleveland Public Power requires continued feasibility assessment reporting; and

Whereas, the City desires to have Consultant perform continued feasibility assessment reporting and to increase the total compensation paid under City Contract No. 67975 for feasibility assessment reporting; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a second modification to Contract No. 67975 with RNR Consulting to increase the total compensation paid under the agreement from \$250,000.00 to \$280,375.00 and receive continued services under the agreement. The second modification shall be prepared by the Director of Law and shall include such additional provisions as that Director deems necessary to benefit and protect the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultants for the listed additional dollar amounts for services under the second modification authorized above is approved:

<u>SUB-CONSULTANTS</u>	<u>WORK PERCENTAGE</u>
DLZ Ohio Inc. (CSB/M)	\$3,455.25 11.38%
Cloud & Associates, LLC. (CSB/F)	\$241.75 0.80%

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Cox, Rush, Hutchinson, Acting Director Thornton, Director Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Triozzi and Flask.

Resolution No. 316-09.

By Interim Director Withers.
 Be it resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultants by Middough Inc. under City Contract No. 69215 for professional services necessary to perform professional engineering services, on an as-needed basis, for a period of two years for the Division of Cleveland Public Power, Department of Public Utilities, under authority of Ordinance No. 1656-08, passed by the Council of the City of Cleveland on December 8, 2008, and Board of Control Resolution No. 163-09 adopted May 13, 2009, is approved.

<u>SUB-CONSULTANTS</u>	<u>WORK PERCENTAGE</u>
Polytech, Inc. (CSB/M)	\$425,000.00 14.17%

CAD Concepts, Inc. (CSB/F)	\$ 75,000.00 2.50%
Stephen Hovancsek & Associates, Inc. (CSB)	\$100,000.00 3.33%
Laramore Douglass and Popham	\$150,000.00 5.00%
Siemens Power Technologies International	\$100,000.00 3.33%

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Cox, Rush, Hutchinson, Acting Director Thornton, Director Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Triozzi and Flask.

Resolution No. 317-09.

By Director Smith.
 Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by KS Associates, Inc., under City Contract No. 69009 to provide professional services necessary to provide drawings of the existing and proposed airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration and to update drawings as required for the Department of Port Control, authorized by Ordinance No. 1239-07, passed September 24, 2007, and Board of Control Resolution No. 561-08, adopted November 26, 2008, is approved.

<u>Subcontractor</u>	<u>CSB/MBE/FBE % Amount</u>
URS Corporation	27.28% - Non CSB/MBE/FBE \$9,987.00

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Triozzi and Acting Director Thornton.

Resolution No. 318-09.

By Director Wasik.
 Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 454-09, passed by the Council of the City of Cleveland on May 11, 2009, PSI (Professional Service Industries, Inc.) is selected from a list of firms determined after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City in order to perform geotechnical and environmental engineering services and testing and consulting services necessary for public improvement projects in the City of Cleveland.

Be it further resolved that the Director of Public Services is authorized to enter into a written contract with PSI (Professional Service Industries, Inc.) based upon their proposal dated April 23, 2009 for a two year period at a cost not to exceed \$400,000. The agreement shall be prepared by the Director of Law and shall contain such other provisions, as Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by PSI (Professional Service Industries, Inc.) for the services authorized above is approved:

Polytech, Inc. (CSB/MBE)
55 Public Square, Suite 510
Cleveland, Ohio 44114
\$66,800.00 — (22.74%)

Parsons Brinkerhoff, Inc.
614 W. Superior Avenue, Suite 400
Cleveland, Ohio 44113
\$50,000.00

KS Associates
260 Bums Rd., Suite 100
Elyria, Ohio 44035

Lawhon Associates (FBE)
13110 Enterprise Ave., Suite 2
Cleveland, Ohio 44135
\$25,000.00 — (8.51%)

O.R. Colan
22710 Fairview Ctr. Dr.
Fairview Park, Ohio 44126
\$11,975.00

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Cox, Rush, Hutchinson, Acting Director Thornton, Director Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson and Directors Triozzi and Flask.

Resolution No. 319-09.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 701-05, passed by the Council of the City of Cleveland on June 6, 2005, Studio Graphique, Inc. is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Gordon Square Signing and Wayfinding Signage System.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with Studio Graphique, Inc. based on its proposal dated June 19, 2009, as amended by its revised cost proposal dated July 13, 2009, provided that the compensation to be paid shall not exceed \$72,000.00. The agreement authorized hereby shall be prepared

by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Studio Graphique, Inc. for the above authorized contract is approved:

Bernard R. Doyle, Inc.
dba Fast Signs (CSB/FBE)
\$10,800.00 — (13.89%)

Wagner Electric Sign Co. (other)
\$36,000.00

Yeas: Director Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Cox, Rush, Hutchinson, Acting Director Thornton, Director Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Triozzi and Flask.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date stated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 24, 2009

9:30 A.M.

Calendar No. 09-150: 1808 West 57th Street (Ward 17)
James Littles, owner, appeals to use an existing garage on a 40' x

114' parcel in a Two-Family District for parking and storage of automobiles, where a main residential structure has been removed; the proposed use nonconforming to Section 337.03(a) and not permitted as a main use of premises in a residential district, according to the Cleveland Codified Ordinances.

Calendar No. 09-154: 11001 Union Avenue (Ward 3)

Richard C. Morvilius, Jr., dba Cleveland Plumbing and Supply, owner, appeals to install 96 linear feet of 10 foot tall steel panel fence on the northeast portion of a corner parcel in a Semi-Industry District, contrary to the limitations of Cleveland Codified Ordinance 358.05(a)(1), a fence in the rear and interior side yards of a Semi-Industry District may not exceed a height of 6 feet.

Calendar No. 09-155: 3232 Lakeside Avenue (Ward 13)

Charles Fleck, owner, and Theodore Talliere, agent, appeal to expand occupancy from 135 to 200 and to add entertainment use to an existing tavern/restaurant on a 130.66' x 107.67' parcel in a General Industry District; contrary to Section 349.04(c) no accessory off-street parking is provided and accessory off-street parking equal to three times the gross floor area is required; and the substitution/expansion of an existing non-conforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 in the Cleveland Codified Ordinances.

Calendar No. 09-156: 5002 Fleet Avenue (Ward 12)

Al Zaleski appeals under the authority of Section 76-6 of the Charter of the City of Cleveland from a disapproved application for a Second Hand Dealer's License by the City of Cleveland Department of Public Safety as stated in the notice dated July 14, 2009 from the Division of Assessments and Licenses.

Calendar No. 09-158: 1821 West 48th Street (Ward 17)

Bernard Reyes, owner, appeals to install 50 lineal feet of 6 foot tall fence on a 60' x 126' parcel in a Two-Family District, contrary to the Fence Regulations a distance of 2 feet is provided and no fence shall be higher than its distance from a residence building on an adjoining lot or future residence on such lot, as stated in Section 358.04(a) of the Cleveland Codified Ordinances.

10:30 A.M.

Calendar No. 09-106: 3914 John Avenue (Ward 13)

The City of Cleveland Department of Building and Housing appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 161.05 of the Codified Ordinances from a ruling of the Cleveland Landmarks Commission on May 14, 2009 to dis-

approve a Certificate of Appropriateness for the demolition and removal of a house on the property at 3914 John Avenue. (Filed 6-2-09; testimony taken 6-15-09; motion for rehearing filed 6-22-09; motion approved 7-13-09)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 10, 2009

At the meeting of the Board of Zoning Appeals on Monday, August 10, 2009, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 09-139: 4615 Brooklyn Avenue

Tim McNamara appealed to install a 6 foot tall wood privacy fence along the interior side yard in a Two Family District.

Calendar No. 09-145: 5300 Lakeside Avenue

Concord Commerce One LLC, owner, and Interstate McBee, lessee, appealed to expand a parking lot in a General Industry District.

Calendar No. 09-91: 4844 Broadview Road

Fred Tadrous, owner, and George Hasrouni, tenant, appealed to expand an auto repair shop to include tire sales in a Local Retail Business District; subject to condition.

Calendar No. 09-100: 2330 Broadview Road

Fred Manson appealed to establish an outdoor sales/flea market in a parking lot in a Local Retail Business District; subject to conditions.

Calendar No. 09-116: 5902 Storer Avenue

MSM Family Investment appealed to change use of an existing building from one to a two family dwelling in a General Retail Business District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 09-137: 3048 St. Clair Avenue

Guo Zhang-Tang and Fang Liang appealed to expand from use as a restaurant to a club with live entertainment and dancing in a one-story building in a Semi-Industry District.

The following appeal was **Withdrawn:**

Calendar No. 09-141: 5840 Memphis Avenue

Taco Bell of America appealed to conduct retail sales after 11:00 P.M. from a drive through establishment on a corner parcel in a Local Retail Business District.

The following appeals were **Dismissed:**

None

The following appeals were **Postponed:**

Calendar No. 09-140: 12805 Shaker Boulevard postponed to August 31, 2009.

Calendar No. 09-142: 1378 West 114th Street postponed to August 31, 2009.

The following appeal heard by the Board on August 3, 2009 was adopted and approved on August 10, 2009.

The following appeal was **Approved:**

Calendar No. 09-134: 3414 East 137th Street

Nadine Davis appealed to install a 46 linear foot wheelchair ramp in the front yard of a 35' x 137' parcel in a One-Family District.

The following appeal heard by the Board on June 1, 2009 was adopted and approved on August 10, 2009.

The following appeal was **Approved:**

Calendar No. 09-84: 1101 Center Street

Old River Road Cleveland LLC appealed to construct a 9,676 square foot restaurant, night club, adult cabaret in a General Industry District; subject to condition.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, AUGUST 27, 2009

File No. 151-09 — Light Fixture Rehabilitation at Bridge No. 1:045M the West 3rd Lift Bridge over the Cuyahoga River for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 455-09, passed by the Council of the City of Cleveland, June 19, 2009.

THERE WILL BE A **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. (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, AUGUST 13, 2009 AT 10:00 A.M., THE CLEVELAND CITY HALL, ROOM 518, CLEVELAND, OHIO 44114.

August 5, 2009 and August 12, 2009

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 862-09.
By Council Members Cleveland, Brady, Cimperman and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of East 23rd Street, East 25th Street, East 25th Place and Payne Court N.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 23rd Street, East 25th Street, East 25th Place and Payne Court N.E., as described; and Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and part of original 10 acre lots 79 thru 84;

East 23rd Street

All that portion of East 23rd Street (60 feet wide) extending southerly from the south right of way line of Payne Avenue N.E. (80 feet wide) to the north right of way line of Chester Avenue N.E. (86 feet wide).

East 25th Street

All that portion of East 25th Street (60 feet wide) extending southerly from the south right of way line of Payne Avenue N.E. (80 feet wide) to its terminus with the vacated portion of East 25th Street (60 feet wide) as shown in volume 247 page 41 of Cuyahoga County Records.

East 25th Place

All that remaining portion of East 25th Place (14 feet wide) extending southerly from the southerly portion of East 25th Place (14 feet wide) as vacated in City of Cleveland Ordinance 862-06, Passed June 12, 2006 to its terminus with the vacated portion of East 25th Place (14 feet wide) as shown in volume 247 page 41 of Cuyahoga County Records.

Payne Court N.E.

All that remaining portion of Payne Court N.E. (14 feet wide) extending easterly from the west right of way line of East 21st Street (66 feet wide) to the west limited access line of the InnerBelt Freeway.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1074-09.

**By Council Members Brady and Sweeney (by departmental request).
An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving East 151st Street, Melville Road, West 61st Street, West 64th Street, and West 90th Streets, by making specified improvements along the public right-of-way.**

Whereas, under Resolution No. 87-09, adopted March 9, 2009, this Council declared the necessity of improving East 151st Street from Glendale Avenue to Bartlett Avenue, Melville Road from St. Clair Avenue to Nottingham Road, West 61st Street from Detroit Avenue to Herman Avenue, West 64th Street from Detroit Avenue to Herman Avenue,

and West 90th Street from Clark Avenue to Denison Avenue by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-ways or otherwise improving the right-of-ways; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution, as amended, and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments may be filed by one or more property owners; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That David J. Tarditi, John Moss, and Brian L. Bruzda, three disinterested freeholders of the City, are appointed as an assessment equalization board, and Carol A. Boddy, a disinterested freeholder, is appointed an alternate member, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of this Council under Resolution No. 87-09, adopted March 9, 2009, of this Council.

Section 2. That the assessment equalization board shall meet at 9:00 a.m. on Tuesday, August 18, 2009, at Cleveland City Hall, 601 Lakeside Avenue, Room 518, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization board.

Section 4. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1086-09.

By Council Member Brady.

An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 13525 Lakewood Heights Boulevard.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 0698843 owned by Big Bob's, Inc., DBA Billy C's, 13525 Lakewood Heights Boulevard, Cleveland, Ohio 44107 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1087-09.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 10202 Lorain Avenue, and repealing Resolution No. 929-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Convenience Management Services, Inc., DBA BP #3620, Mart #4431, 10202 Lorain Avenue, Cleveland, Ohio 44111, Permanent No. 17090950210, by Resolution No. 929-09 adopted by the Council on July 1, 2009; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a C1 and C2 Liquor Permit to Convenience Management Services, Inc., DBA BP #3620, Mart #4431, 10202 Lorain Avenue, Cleveland, Ohio 44111, Permanent No. 17090950210, be and the same is hereby withdrawn and Resolution No. 929-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1088-09.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 3065 West 117th Street, and repealing Resolution No. 930-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Convenience Management Services, Inc., DBA BP #3619, 3065 West 117th Street, Cleveland, Ohio 44119, Permanent No. 17090950400, by Resolution No. 930-09 adopted by the Council on July 1, 2009; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a C1 Liquor Permit to Convenience Management Services, Inc., DBA BP #3619, 3065 West 117th Street, Cleveland, Ohio 44119, Permanent No. 17090950400, be and the same is hereby withdrawn and Resolution No. 930-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1089-09.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 2325 Elm Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 5870816 owned by Metropolis Night Club, Inc., 2325 Elm Street, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1090-09.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3146 West 14th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 7462760 owned by Rodeo Bar & Grill, Inc., DBA Rodeo Bar & Grill, 3146 West 14th Street, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1091-09.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 2132 West 25th Street, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal

grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9956778 owned by ZMDS Entertainment, Inc., DBA Envy Lounge, 2132 West 25th Street, 1st floor, Cleveland, Ohio 44113 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1092-09.

By Council Member Cleveland.

An emergency resolution objecting to a New C1 Liquor Permit at 5474 Broadway Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Nancy Cotton, DBA Mr. Lucky's, 5474 Broadway Avenue, Cleveland, Ohio 44127, Permanent Number 1769654; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Nancy Cotton, DBA Mr. Lucky's, 5474 Broadway Avenue, Cleveland, Ohio 44127, Permanent Number 1769654; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1093-09.

By Council Member Cummins.

An emergency resolution withdrawing objection to the transfer of ownership of C1 and C2 Liquor Permit at 2145 Broadview Road and repealing Resolution No. 793-09, objecting to said transfer

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Kathy Miles, DBA Michael's Deli & Beverage, 2145 Broadview Road, Cleve-

land, Ohio 44109, Permanent No. 3486305, by Resolution No. 793-09 adopted by the Council on June 1, 2009; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a C1 and C2 Liquor Permit to Kathy Miles, DBA Michael's Deli & Beverage, 2145 Broadview Road, Cleveland, Ohio 44109, Permanent No. 3486305, be and the same is hereby withdrawn and Resolution No. 793-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1094-09.

By Council Member Dow.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 7017-19 Superior Avenue, 1st and 2nd floors.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 7421261 owned by Robert Burton Enterpris-

es, Inc., 7017-19 Superior Avenue, 1st and 2nd floors, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1095-09.

By Council Member Kelley.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4450-52 Broadview Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 9116320 owned by 2109 Tate, Inc., DBA Rebound, 4450-52 Broadview Road, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1096-09.

By Council Member Kelley.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 3571080 owned by Hani 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the

hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1097-09.

By Council Member Kelley.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 5741 Memphis Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from A & A Convenient Food Mart, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0003182 to Jaigurudev, Inc., 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 4219893; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement 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 A & A Convenient Food Mart, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0003182 to Jaigrudev, Inc., 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 4219893; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1098-09.
By Council Member Kelley.
An emergency resolution objecting to a New C1 Liquor Permit at 4380 State Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Sophia Tirado, DBA Lucky's, 10330 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 8945413; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at State Road Food & Beverage, Inc., DBA Save More Mart, 4380 State Road, Cleveland, Ohio 44109, Permanent Number 8517121 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1099-09.
By Council Member Kelley.
An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 4693 State Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renew-

al of a D2, D2X, D3 and D3A Liquor Permit, Permit No. 6381965 owned by Nicetime, Inc., DBA Dirty Dog, 4693 State Road, 1st floor and basement, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1100-09.
By Council Member Kelley.
An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 4716 State Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 8440222 owned by Sports Inn, LLC, DBA Home Plate Tavern, 4716 State Road, Cleveland, Ohio 44109 and requests the Director

of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1101-09.

By Council Member Miller.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 625 East 140th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 6081178 owned by Moe's Stop One, Inc., 625 East 140th Street, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies

of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1102-09.

By Council Member Brady.

An emergency resolution objecting to a New C1 Liquor Permit at 4281 West 130th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03234, 4281 West 130th Street, Cleveland, Ohio 44135, Permanent Number 935794103234; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA

Walgreens #03234, 4281 West 130th Street, Cleveland, Ohio 44135, Permanent Number 935794103234, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1103-09.

By Council Member Miller.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 552 East 152nd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from BP Products North America, Inc., DBA Site #04358, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 08984674358 to Convenience Management Services, Inc., DBA BP 3618, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 17090950405; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has 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 provid-

ing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from BP Products North America, Inc., DBA Site #04358, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 08984674358 to Convenience Management Services, Inc., DBA BP 3618, 552 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 17090950405, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1104-09.
By Council Member Mitchell.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 2623 Woodhill Road, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 2118468 owned by DIA Foods, Inc., DBA Hill Top Deli, 2623 Woodhill Road, 1st floor, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1105-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3831 East 93rd Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 2233517 owned by Shire-an Doleh, DBA Best Buy Food Mart,

3831 East 93rd Street, Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1106-09.
By Council Member Wilkes.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 11334 Miles Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Ahmed Mini Market, Inc., DBA Ahmed Mini Market, 11334 Miles Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0079613 to Miles Mini Mart, Inc., 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 5951324; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Ahmed Mini Market, Inc., DBA Ahmed Mini Market, 11334 Miles Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 0079613 to Miles Mini Mart, Inc., 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 5951324; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1107-09.

By Council Members Polensek, Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Cloud, Conwell, Cummins, Dow, Johnson, Keane, Kelley, Miller, Mitchell, Pruitt, Reed, Santiago, Westbrook, Wilkes, Zone and Mayor Jackson.

An emergency resolution urging the Greater Cleveland Regional Transit Authority to reconsider eliminating Community Circulators and to meet with City Council and other community leaders in order to determine ways to save money without negatively impacting Community Circulator riders and neighborhood routes.

Whereas, last week, the Greater Cleveland Regional Transit Authority ("RTA") decided to eliminate all 12 of its Community Circulator bus routes and raise most fares 25cents to save approximately \$5 million dollars; and

Whereas, Community Circulators are an extremely popular mode of transportation for hundreds of people in Cleveland and the surrounding areas; and

Whereas, thousands of people in our community depend on Commu-

nity Circulator buses to get to work, the grocery store, school, doctor's appointments and shopping because they do not drive; and

Whereas, Community Circulators are a life-line to many seniors who would otherwise be stranded in their own homes without transportation; and

Whereas, most RTA riders would say they would rather pay increased fares than see the Community Circulator routes be eliminated; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council urges the Greater Cleveland Regional Transit Authority to reconsider eliminating Community Circulators and to meet with City Council and other community leaders in order to determine other ways to save money without negatively impacting community circulator riders and neighborhood routes.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Joe Calabrese, RTA General Manager, all members of the RTA Board of Directors.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1108-09.

By Council Member Polensek.

An emergency resolution urging the United States Postmaster General to keep open the Beachland Station post office located at 891 East 185th Street in Cleveland.

Whereas, the U.S. Postal Service has recently announced they plan to close possibly 24 area post offices in northern Ohio by October 1, 2009; and

Whereas, one post office they could close is the Beachland Station, located at 891 East 185th Street, in Cleveland; and

Whereas, the cities of Cleveland and Euclid have worked extremely hard over the years to improve the East 185th Street corridor and keep it a thriving, community-oriented business neighborhood; and

Whereas, if the Beachland Station post office were to close, this would devastate the East 185th Street commercial corridor and the adjacent residential communities in Cleveland's Ward 11 and the City of Euclid; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council urges the United States Postmaster General to keep open the Beachland Station post office located at 891 East 185th Street in Cleveland.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the Postmaster General of the United States.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1109-09.

By Council Member Cleveland.

An emergency resolution supporting Western Reserve Land Conservancy's application to the Clean Ohio Conservation Fund for the Dunham Tavern Museum Expansion and Preservation Project.

Whereas, the Dunham Tavern Museum (the "Museum") and its partner Western Reserve Land Conservancy seek to pursue the Dunham Tavern Museum Expansion and Preservation Project (the "Project"); and

Whereas, as part of the Project the Museum desires to expand its current land holdings by purchasing the vacant 6611 Euclid building adjacent to the Museum's property; and

Whereas, this acquisition would result in the beneficial re-use of a vacant property located along the Euclid Corridor, where the City of Cleveland has made significant investment to encourage sustainable economic redevelopment; and

Whereas, the 2005 MidTown Master Plan identifies the Museum site as the MidTown neighborhood's "central green," providing a major amenity and sense of identity within the neighborhood; and

Whereas, the Museum property currently provides much needed publicly accessible open space, passive recreation, and educational opportunities through its Heritage Trail and Learning Gardens; and

Whereas, the Project would increase the Museum's open space, passive recreation and educational offerings; and

Whereas, the City of Cleveland seeks to coordinate with nonprofits such as the Museum to increase the availability of high-quality recreation opportunities and facilities that meet the needs of Clevelanders of all ages, ability levels, incomes and interests; and

Whereas, as part of the Project, the Museum intends to preserve the Dunham Tavern building and its grounds in perpetuity through a conservation easement to be held by Western Reserve Land Conservancy; and

Whereas, the Dunham Tavern building is a Cleveland Landmark and has the distinction of being the

oldest building in Cleveland still standing on its original foundation; and

Whereas, the City of Cleveland seeks to foster preservation of historically and architecturally significant buildings and properties within the City; and

Whereas, one of the City of Cleveland's policies set forth in its 2020 Citywide Plan is to ensure that land is used in a manner that preserves and expands valuable open space, protects natural habitats, retains and replaces trees, prevents environmental contamination, and protects sensitive lands; and

Whereas, the Museum's partner, Western Reserve Land Conservancy, is seeking funding for the Project through the Clean Ohio Conservation Fund administered by the Ohio Public Works Commission; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council supports Western Reserve Land Conservancy's application to the Clean Ohio Conservation Fund for the Dunham Tavern Museum Expansion and Preservation Project.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the appropriate party at MidTown Cleveland, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1120-09.
By Council Member Brancatelli.
An emergency resolution objecting to a New C1 Liquor Permit at 6410 Broadway Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03226, 6410 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 935794103226; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreens #03226, 6410 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 935794103226, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1121-09.
By Council Member Brancatelli.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3614 East 65th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other

legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 8912747 owned by 3614 East 65th, Inc., DBA M JS Café, 3614 East 65th Street, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1122-09.
By Council Member Brancatelli.
An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 4233-35 East 71st Street, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preserva-

tion of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 6958079 owned by Platinum Joes Corp., DBA Malibu Joes, 4233-35 East 71st Street, 1st floor and basement, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1123-09.

By Council Member Brancatelli.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 6101 Fleet Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal

of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 8200732 owned by 6101 Fleet Avenue, Inc., DBA U & Me, 6101 Fleet Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1124-09.

By Council Member Brancatelli.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 4324 Warner Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 0345174 owned by Yousef Abdel Aziz, DBA Tom's Food Market, 4324 Warner Road, 1st floor, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1125-09.

By Council Member Cimperman.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1204 Old River Road, mezzanine and patios.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 4462671 and supplemental permits, owned by Kaos in the Flats, Inc., DBA Scripts, 1204 Old River Road, mezzanine and patios, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1126-09.

By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit at 618 Prospect Avenue, 2nd floor only.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renew-

al of a D2, D2X, D3, D3A and D6 Liquor Permit, Permit No. 9271908 owned by View Cleveland, LLC, DBA The View, 618 Prospect Avenue, Cleveland, Ohio 44115, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1127-09.

By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1382 West 9th Street, Suite 100 and patio, 1st floor

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 4949255 owned by LaBodega Cleveland OH,

LLC, DBA Sunset Lounge, 1382 West 9th Street, Suite 100 and patio, 1st floor, 1382 West 9th Street, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1128-09.

By Council Member Cimperman.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1616 West 25th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 6548374 owned by 1616 Arabic Restaurant, Inc., DBA Kan Zaman, 1616 West

25th Street, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1129-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 7002 Cedar Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 1351124 owned by Cedar 70 Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions

of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1130-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3337 Central Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 4034257 owned by Pamela Hubbard, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1131-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9862110 owned by Your Place and Mine, LLC, DBA Your Place and Mine, 5351-5353 Dolloff Road, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two

copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1132-09.

By Council Member Mitchell.

An emergency resolution objecting to the renewal of a D1, D2 and D6 Liquor Permit at 1931 Colman Road, 1st floor.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2 and D6 Liquor Permit, Permit No. 8407828 owned by Carolyn Sparent, DBA Lou's Tavern, 1931 Colman Road, 1st floor, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting

that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1133-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 3363 East 93rd Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 68577350005 owned by Pete Barrels, Inc., DBA Sunoco Family Food Express, 3363 East 93rd Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law

that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1134-09.

By Council Member Johnson.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 8805 Buckeye Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 1072870 owned by Buckeye One Stop, Inc., DBA Buckeye Marathon, 8805 Buckeye Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the

meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1135-09.

By Council Member Johnson.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 10008 Buckeye Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 72245520007 owned by Ray Por, Inc., DBA Eastwood Inn, 10008 Buckeye Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all

the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1136-09.

By Council Member Johnson.
An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 11132 Buckeye Road.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 6877045 owned by Phase III Corporation, DBA Phase III, 11132 Buckeye Road, Box 20370, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1137-09.

By Council Member Johnson.
An emergency resolution objecting to the renewal of a C1, C2 and D6 Liquor Permit at 3230 East 93rd Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1, C2 and D6 Liquor Permit, Permit No. 7974550 owned by Semaan Marketing, Inc., 3230 East 93rd Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1138-09.**By Council Member Johnson.****An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3019 East 116th Street.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1896113 owned by Albert Dailey, DBA Dailey's, 3019 East 116th Street, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1139-09.**By Council Member Johnson.****An emergency resolution objecting to the renewal of a D2 and D2X Liquor Permit at 9203 Kinsman Road.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D2 and D2X Liquor Permit, Permit No. 6591675 owned by Ossie, Inc., DBA Kinsman Shell, 9203 Kinsman Road, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1140-09.**By Council Member Polensek.****An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 383 East 156th Street.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the

legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 2175712 owned by John Dimmian, 383 East 156th Street, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1141-09.**By Council Member Polensek.****An emergency resolution objecting to a New C1 Liquor Permit at 15609 Lakeshore Boulevard.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Walgreen Co., DBA Walgreen's #03307, 15609 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 935794103307; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is

already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Walgreen Co., DBA Walgreen's #03307, 15609 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 935794103307, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1142-09.
By Council Member Polensek.
An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16826 Lakeshore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor

Permit from 16826 Lakeshore Boulevard, Inc., 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 7551142 to Lakeshore Cocktails, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from 16826 Lakeshore Boulevard, Inc., 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 7551142 to Lakeshore Cocktails, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1143-09.

By Council Member Polensek.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 18506 St. Clair Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 1879570005 owned by D B Ohio Enterprise, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1144-09.

By Council Member Reed.

An emergency resolution objecting to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 4005-07 East 131st Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit, Permit No. 9819313 owned by Yar Rum, Inc., DBA Murray's, 4005-07 East 131st Street, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1145-09.
By Council Member Reed.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3744 East 144th Street, 1st floor only.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the

legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 0300177 owned by Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1146-09.
By Council Member Reed.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 14300 Kinsman Road, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal

grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 0505406 owned by Robert Dale Batch, DBA Your Snack Shack, 14300 Kinsman Road, 1st floor and basement, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1147-09.
By Council Member Reed.
An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 10300 Union Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 6549357 owned by 10300 Union, Inc., DBA LaRobbs Nightclub, 10300 Union Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1148-09.
By Council Member Reed.
An emergency resolution objecting to the renewal of a C1, C2 and D6 Liquor Permit at 12408 Union Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operat-

ed his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1, C2 and D6 Liquor Permit, Permit No. 6371287 owned by New Coast, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1149-09.
By Council Member Santiago.
An emergency resolution objecting to the renewal of a C1 Liquor Permit at 3226 Clark Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state,

and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 6527435 owned by OLA 3226 Inc., 3226 Clark Avenue, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1150-09.
By Council Member Santiago.
An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3382 West 44th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1639762 owned by Heriberto Colon, DBA El Tropical, 3382 West 44th Street, 1st floor rear and basement, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1151-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 12401 Corlett Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preserva-

tion of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 7748288 owned by SAS Enterprises of Ohio, LLC, DBA Corlett Mini Stop, 12401 Corlett Avenue, 1st floor, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1152-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 9305 Miles Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal

of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 6416088 owned by Ninety-Three Miles, Inc., DBA Convenience Plus Food Mart, 9305 Miles Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1153-09.
By Council Member Wilkes.
An emergency resolution objecting to the renewal of a C2, C2X and D6 Liquor Permit at 11609 Miles Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2, C2X and D6 Liquor Permit, Permit No. 3479133 owned by Habibi, Inc., DBA Frank's Marathon, 11609 Miles Avenue, Cleveland, Ohio 44195, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1154-09.

By Council Member Sweeney.

An emergency resolution objecting to a New C2 Liquor Permit at 13712 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Free Phone For You, Inc., 13712 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 2911406; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Free Phone For You, Inc., 13712 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 2911406; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1161-09.

By Council Member Mitchell.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 2603 Woodhill Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no

later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 4118409 owned by Ibal, Inc., DBA American Food Mart, 2603 Woodhill Avenue, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1163-09.

By Council Member Reed.

An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 12802 Kinsman Road, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 3019386-0005 owned by Beverly C. Galloway, 12802 Kinsman Road, 1st floor and basement, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1165-09.

By Council Member Miller.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor

Permit, Permit No. 4307201 owned by Johnny & Co. Bar & Grill, LLC, DBA Johnny & Co. Bar and Grill, 18029 Euclid Avenue, Cleveland, Ohio 44112, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1166-09.

By Council Member Miller.

An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 12515-19 St. Clair Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 7514486 owned by Roscoe, Inc., DBA Honey Do Club, 12515-19 St. Clair Avenue,

Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1167-09.

By Council Member Cleveland.

An emergency resolution objecting to the renewal of a C2, C2X and D6 Liquor Permit at 2747 Cedar Avenue, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2, C2X and D6 Liquor Permit, Permit No. 71337770005 owned by Quasem, Inc., 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, and requests the Director of Liquor Control to set a hearing for said application

in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1168-09.
By Council Member Cleveland.
An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 4643 Broadway Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 76857450005 owned by Salina, Inc., DBA Broadway Deli, 4643 Broadway Avenue, 1st floor, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the

hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1169-09.
By Council Member Cleveland.
An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 3135 East 79th Street.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 3043671 owned by Garden Valley Shop Express, Inc., 3135 East 79th Street, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1170-09.
By Council Member Cummins.
An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3314 Broadview Road, 1st floor and basement.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 6483695 owned by N Yuk Yuks Bar & Grill, Inc., DBA N Yuk N Yuks, 3314 Broadview Road, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1171-09.

By Council Member Conwell.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 11139-43 Superior Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 4316046 owned by Bobbie Johnson, DBA Frecks, 11139-43 Superior Avenue, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1172-09.

By Council Member Zone.

An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 8309 Madison Avenue, 1st and 2nd floors.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 0142976 owned by Almont, Inc., DBA Sea Level, 8309 Madison Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1173-09.

By Council Member Keane.

An emergency resolution objecting to the renewal of a C1 Liquor Permit at 14910 Lorain Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the

legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 7057634 owned by Prakash, Inc., DBA JRS Mini Mart, 14910 Lorain Avenue, Cleveland, Ohio 44111, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

Section 3. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1174-09.

By Council Member Cleveland.

An emergency resolution withdrawing objection to the transfer of ownership of C1 Liquor Permit at 7002 Cedar Avenue and repealing Resolution No. 460-09, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Cedar Crest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent No. 1350137, by Resolution No. 460-09 adopted by the Council on April 6, 2009; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

Whereas, this resolution constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a C1 Liquor Permit to Cedar Crest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent No. 1350137, be and

the same is hereby withdrawn and Resolution No. 460-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all

the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 667-09.

By Council Member Pruitt.

An ordinance to change the zoning of lands on the north side of Miles Avenue at Judson Drive and E. 146th Street from GR to LR (Map Change No. 2277, Sheet 10).

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Miles Avenue at its intersection with the southerly prolongation of the easterly line of Sublot Number 456 in the Miles-Harvard Park Subdivision No. 4 shown on the recorded plat in Volume 68, Page 30 of Cuyahoga County Map Records, said parcel also being known as being part of Cuyahoga County Auditor's Permanent Parcel Number 142-08-001;

Thence northeasterly along said southerly prolongation of said easterly line to its intersection with the northeasterly line thereof;

Thence northwesterly along said northeasterly line to its intersection with the northeasterly line of Sublot Number 455 in the aforementioned Miles-Harvard Park Subdivision No. 4;

Thence northwesterly along said northeasterly line to its intersection with the northeasterly line of Sublot Number 452 in the aforementioned Miles-Harvard Park Subdivision, said line also being known as the southwesterly line of Cuyahoga County Auditor's Permanent Parcel Number 142-08-003;

Thence northwesterly along said northwesterly line and along its northwesterly prolongation to its intersection with the centerline of Judson Drive;

Thence southwesterly along said centerline of Judson Drive to its intersection with the southerly prolongation of the centerline of East 147th Street;

Thence northerly along said southerly prolongation of said centerline of East 147th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 5 in the Miles-Harvard Park Subdivision Number 3 shown on the recorded plat in Volume 62, Page 37 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 142-04-033;

Thence westerly along said easterly prolongation of said southerly line to its intersection with the easterly line of Sublot Number 115 in the aforementioned Miles-Harvard Park Subdivision Number 3;

Thence southerly along said easterly line to its intersection with a line drawn approximately 15 feet southerly from and parallel to the southerly line of Sublot Number 112 in the aforementioned Miles-Harvard Park Subdivision Number 3, said parallel line also being known as the southerly line of Cuyahoga County Auditor's Permanent Parcel Number 142-04-078;

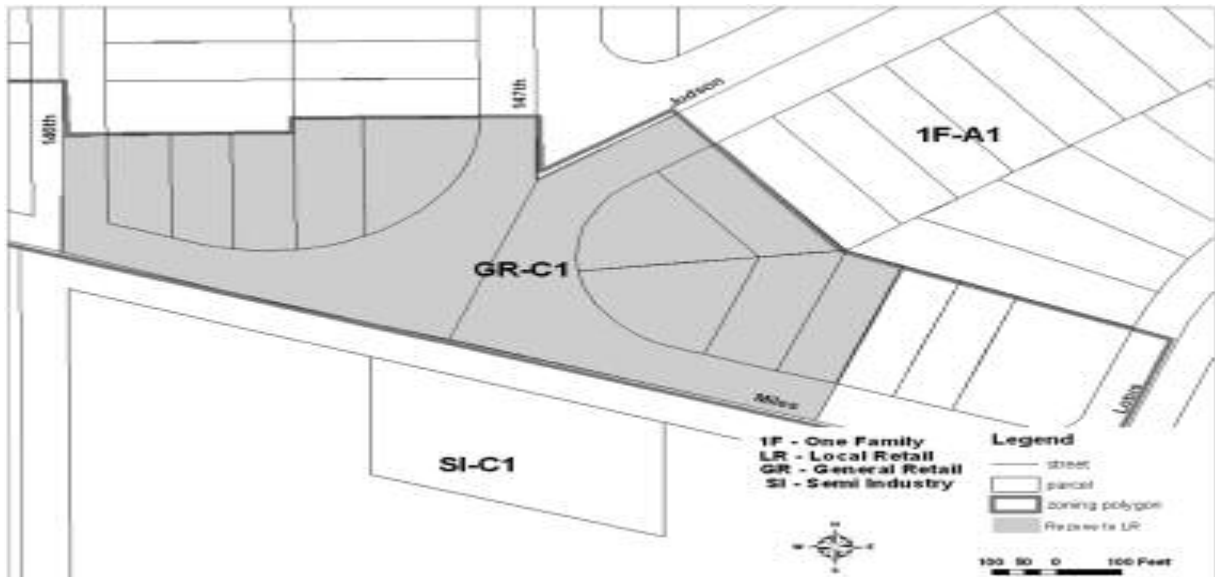
Thence westerly along said parallel line to its intersection with the centerline of East 146th Street;

Thence southerly along said centerline of East 146th Street and along its southerly prolongation to its intersection with the centerline of Miles Avenue;

Thence southeasterly along said centerline of Miles Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 456 in the Miles-Harvard Park Subdivision No. 4 shown on the recorded plat in Volume 68, Page 30 of Cuyahoga County Map Records, said parcel also being known as being part of Cuyahoga County Auditor's Permanent Parcel Number 142-08-001 and the principal place of beginning; and as shaded on the attached map is changed to a Local Retail Business District (LR) District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2277, Sheet No. 10 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed August 5, 2009.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 668-09.

By Council Member Pruitt.

An ordinance to change the zoning of lands on the east side of Lee Road south of Kollin Avenue from 1F-A1 to LR-C1 (Map Change No. 2278, Sheet 10).

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Lee Road at its intersection with the centerline of Kollin Avenue;

Thence southerly along said centerline of Lee Road to its intersection with the westerly prolongation of the southerly line of Sublot Number 91 in the Lee Road McCracken Subdivision shown on the recorded plat in Volume 89, Page 22 of Cuyahoga County Map Records, said parcel also being known as being part of Cuyahoga County Auditor's Permanent Parcel Number 143-23-014;

Thence easterly along said westerly prolongation of said southerly line and along its easterly prolongation to its intersection with the centerline of East 66th Place 10 Feet Wide;

Thence northerly along said centerline of East 66th Place to its intersection with the easterly prolongation of the southerly line of Sublot Number 61 in the aforementioned Lee Road McCracken Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 143-23-013;

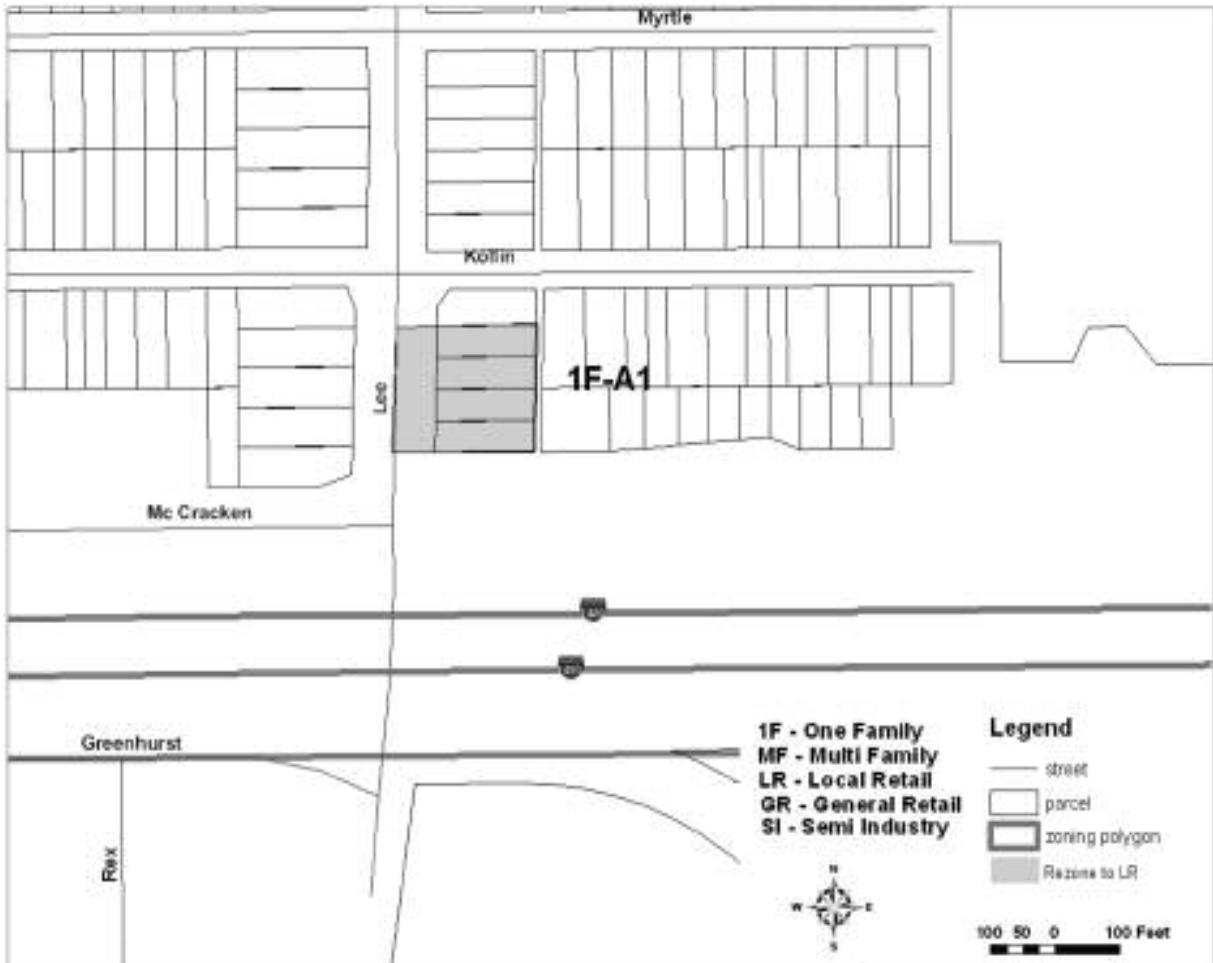
Thence westerly along said easterly prolongation and continuing along its westerly prolongation to its intersection with the centerline of Lee Road;

Thence northerly along said centerline of Lee Road to its intersection with the centerline of Kollin Avenue and the principal place of beginning;

and as shaded on the attached map is changed to a Local Retail Business District (LR) and a 'C' Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2278, Sheet No. 10 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed August 5, 2009.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 698-09.

By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Bradford Airport Logistics to operate a centralized receiving and distribution center for all concessions operating at Cleveland Hopkins International Airport, for the Department of Port Control, for a period of five years, with one option to renew for an additional five year period, exercisable through additional legislative authority.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Bradford Airport Logistics ("Lessee") for use and occupancy of approximately 10,000 square feet of the warehouse building on Lot LE 37-A at Cleveland Hopkins International Airport, including the adjacent parking lot and other related amenities ("Leased Premises"). The Leased Premises shall be used as a centralized receiving and distribution facility for all concessionaires operating at Cleveland Hopkins International Airport. The term of the Lease shall be for five years, with one five year option to renew, exercisable through additional legislative authority. For use of the Leased Premises, Lessee shall pay the City an annual fee based on fair market rental, as determined by independent appraisal. The rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

Section 2. That the Lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 3. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the Lease authorized by this ordinance.

Section 4. That the Lease authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 753-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to prepare a comprehensive financial plan including a cost of service, and rate and fee analysis for the years 2011 through 2015, for the Divisions of Water and Water Pollution Control, Department of Public Utilities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare a comprehensive financial plan including a cost of service, and rate and fee analysis for the years 2011 through 2015, for the Divisions of Water and Water Pollution Control, Department of Public Utilities.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. 189823.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 758-09.

By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Continental Airlines, Inc. for hangar space and aircraft maintenance and repair at Cleveland Hopkins International Airport, for the Department of Port Control, and to issue rent

credits to Continental Airlines, Inc. for the cost of determining fair market value by independent appraisal of the leased premises, for a period of twenty years, with one five year option to renew, exercisable through additional legislative authority.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Continental Airlines, Inc. ("Lessee") for use and occupancy of approximately 26,280 square feet of hangar space at Cleveland Hopkins International Airport ("Leased Premises"), for a period of twenty years ("Initial Term"), with one five year option to renew, exercisable through additional legislative authority ("Option Term"), commencing upon execution of the Lease. The Leased Premises shall be used for hangar space and aircraft maintenance and repair.

Section 2. Lessee shall pay the City an annual fee, to be determined by an appraisal based on the fair market rental value of the Leased Premises and rental rates charged for comparable airport facilities for use of the Leased Premises during the first five years of the Initial Term. Lessee shall pay the cost of this appraisal. That the Director of Port Control is authorized to issue rent credits to Lessee for the purpose of reimbursing Lessee the cost of the appraisal to determine fair market value of the Leased Premises. The rent credit amount shall be equal to the cost of the appraisal and is subject to approval of the Director of Port Control. The Director of Port Control is authorized to execute any additional documents necessary and appropriate to issue the rent credits. Thereafter, every five years during the Initial Term of the Lease and at the inception of the Option Term, the annual rent shall be determined by an appraisal based on the then highest and best use of the Leased Premises and rental rates then charged for comparable airport facilities. In no event shall the rental rate be less than that charged during the first five years of the Initial Term. The Department of Port Control shall pay the cost of these appraisals. The rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

Section 3. That the Lease may authorize the Lessee to make improvements to the Leased Premises subject to the approval of appropriate City agencies and officials.

Section 4. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the Lease authorized by this ordinance.

Section 5. That the Lease authorized by this ordinance shall be prepared by the Director of Law.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 762-09.

By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of the necessary items of materials, equipment, supplies, and services needed to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, including labor, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period, with two one-year options to renew, of the necessary items of materials, equipment, supplies, and services needed to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor the valves and other appurtenances associated with regulatory compliance, including labor, for the various divisions of the Department of Port Control, in the estimated sum of \$3,250,000 per year, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period

less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 175246)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 879-09.

By Council Members Keane, Brady, Sweeney, Cummins, Santiago, Mitchell, Zone, Cimperman, Cleveland, Polensek, Westbrook, Brancatelli, Wilkes, Conwell, Cloud, Kelley, Miller and Reed.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 171.391 relating to health care benefits for surviving spouse and dependents of employees killed in the line of duty.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Codified Ordinances of the City of Cleveland are supplemented by enacting new Section 171.391 to read as follows:

Section 171.391 Health Care Benefits for Surviving Spouse and Dependents of Employees Killed in the Line of Duty.

(a) If a City employee is killed in the line of duty or dies as a direct and proximate result of the performance of the employee's official work-related duties, the surviving spouse, until such time as the employee would have been eligible to retire, and employee's dependents shall be entitled to health care benefits as available under the City's plan.

(b) This ordinance applies to the spouse and dependents of employees

killed in the line of duty or who died as a direct and proximate result of the performance of their official work-related duties on or after January 1, 1998.

(c) Eligible survivors who are entitled to the benefits must pay the same contribution to the premium as paid by the City employees.

Section 2. That Section 171.391 of the Codified Ordinances of Cleveland, Ohio, 1976, shall take effect as soon as legally permissible.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 900-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to, heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, including installation if necessary, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, including installation if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified

term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 189968)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 901-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, for the Division of Water, Department of Public Utilities, for a period of one year.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year of the necessary items of hauling and disposal of water treatment plant residuals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a

manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 190001)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 902-09.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to participate in the Doan Brook Watershed Partnership; and to cause payment for the City's cost to participate in and to implement the objectives of the Partnership.

Whereas, the Doan Brook Watershed Partnership (the "Partnership") was certified as a 501(c)(3) non-profit in December 2001; and

Whereas, the Partnership replaces the Joint Committee on the Doan Brook Watershed, which for over 30 years served as the focal point of watershed-wide communication and advocacy for the protection and enhancement of Doan Brook; and

Whereas, the vision of the Partnership is to have broad participation from the cities of Cleveland, Cleveland Heights, Shaker Heights, and various other stakeholder organizations and interested citizens to collaborate and share resources to develop and implement a watershed management plan to preserve and maintain Doan Brook; and

Whereas, the objectives of the Partnership are to secure and coordinate funding to sustain the organization and to further the stewardship of Doan Brook in order to

accomplish lake treatment alternatives and to develop management plans for the Lower, Upper (Horseshoe), Green, and Marshall lakes in the upper Doan Brook Watershed; to manage fertilizers, herbicides, and pesticides on lawns and landscaped areas throughout the watershed; to assist with assessment and compliance work for Phase II stormwater management regulations; to provide technical input and to build public involvement and support of the restoration project in Rockefeller Park; to track the Northeast Ohio Regional Sewer District's progress with designing and implementing a wastewater collection and treatment project; to initiate volunteer stream clean-up projects; to work with schools, youth groups and civic organizations on stream monitoring and improvement projects; to facilitate and to provide technical assistance on natural stream restoration and stormwater management projects; and to develop land use controls and site design standards to protect environmentally sensitive areas; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to participate in the Doan Brook Watershed Partnership.

Section 2. That this Council authorizes payment to the Doan Brook Watershed Partnership for the City's costs to participate in and to implement the objectives of the Partnership, from Fund No. 54 SF 001, Request No. 180072.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 906-09.

By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing additional emergency generator power supply at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing additional emergency generator power supply at Cleveland Hopkins International Airport, (the "Improvement"), for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 4. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 5. That the costs of the requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the cost of the contracts authorized shall be paid from Fund Nos. 60 SF 104, 60 SF 106, 60 SF 141, 60 SF 112, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 123, 60 SF 129, and 60 SF 130, Request No. 175247.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 907-09.

By Council Member Kelley.

An emergency ordinance designating Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on February 12, 2009 to discuss the proposed designation of Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a landmark; and

Whereas, the Commission has recommended designation of Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That Our Lady of Good Counsel Church, School, Rectory, Convent, and Hall, whose street addresses in the City of Cleveland are 4411-4431 Pearl Road, S. W.; Cuyahoga County Auditor's Permanent Parcel Numbers are 011-02-001, 011-02-106, 011-02-107, and 011-02-108, also known as the following described property:

Beginning on the Southeasterly line of Pearl Road, S. W. (66 ft. wide), at the Southerly line of land conveyed to the Greater Cleveland Regional Transit Authority on September 9, 1975 by deed recorded in Volume 13869, Page 547 of Cuyahoga County records; thence Southeasterly along the Southerly line of said Greater Cleveland Regional Transit Authority land to the Westerly line of John Koch's Allotment as shown by the recorded plat in Volume 27, Page 27 of Cuyahoga County map records; thence Southerly along the Westerly line of said John Koch's Allotment to the Northerly line of the Pearl Street Realty Company Subdivision as shown by the recorded plat in Volume 46, Page 3 of Cuyahoga County map records; thence Westerly along the Northerly line of said Pearl Street Realty Company Subdivision and its Westerly prolongation to the Easterly line of land conveyed to Matther and Frances Fuchs by deed dated June 24, 1968 and recorded in Volume 12331, Page 899 of Cuyahoga County deed records; thence Northerly along the Easterly line of said land conveyed to Matther and Frances Fuchs to the Northeasterly corner thereof; thence Westerly along the Northerly line of land conveyed to Matther and Frances Fuchs as aforesaid to the Southeasterly line of Pearl Road as aforesaid; thence Northeasterly along the Southeasterly line of said Pearl Road to the place of beginning,

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 908-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of one driving simulator and a modular classroom, including

appurtenances and training, and not to exceed ten police cruisers with standard police vehicle equipment to implement the 2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland", for the Division of Police, Department of Public Safety.

Whereas, one of the economic benefits under the American Recovery and Reinvestment Act of 2009, also known as the Stimulus Bill, Pub.L. 111-5, H.R.1, S. 1 ("ARRA"), allowed Cities to receive funding for eligible improvements, projects, and programs; and

Whereas, under the authority of Ordinance No. 463-09, passed April 20, 2009, this Council authorized the Director of Finance or the Director responsible for the eligible improvements, projects, and programs to apply for and accept these ARRA funds from Federal, State, or other public entities; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one driving simulator and a modular classroom, including appurtenances and training, and not to exceed ten police cruisers with standard police vehicle equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis, to implement the 2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland" as described in File No. 908-09-A, for the Division of Police, Department of Public Safety.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 3. That the Director of Finance is authorized to pay a cash match in connection with receiving the 2009 State Byrne Memorial Justice Assistance Grant (JAG) "COPS for Cleveland" authorized under Ordinance No. 463-09, passed April 20, 2009 in the amount of \$590,554.15, payable from Fund No. 01-600201-507000.

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds received under Ordinance No. 463-09, passed April 20, 2009, and from the cash match.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 909-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Roger Oviatt and Elsie Day to implement the 2009 Edward Byrne Memorial Competitive Grant; and to enter into one or more agreements with various agencies and entities to implement the grant.

Whereas, one of the economic benefits under the American Recovery and Reinvestment Act of 2009, also known as the Stimulus Bill, Pub.L. 111-5, H.R.1, S. 1 ("ARRA"), allowed Cities to receive funding for eligible improvements, projects, and programs; and

Whereas, under the authority of Ordinance No. 463-09, passed April 20, 2009, this Council authorized the Director of Finance or the Director responsible for the eligible improvements, projects, and programs to apply for and accept these ARRA funds from Federal, State, or other public entities; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with Roger Oviatt and Elsie Day for professional services necessary to implement the 2009 Edward Byrne Memorial Competitive Grant as described in File No. 909-09-A, for the Department of Public Safety.

Section 2. That the Director of Public Safety is authorized to enter into one or more contracts with the United States Attorney General, Ohio Attorney General, Ohio Department of Public Safety Office of Criminal Justice Services, Kent State University, the Cities of Akron, Canton, Elyria, Lorain, Mansfield, Toledo, and Youngstown, and other agencies and entities to implement the grant as described in the file.

Section 3. The contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 910-09.

By Council Members Zone, Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with McKnight Associates Ltd. for professional services necessary to design revisions to the Zone Recreation Center Master Plan.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with McKnight Associates Ltd. for professional services necessary to design revisions to the Zone Recreation Center Master Plan on the basis of its proposal dated April 20, 2009, in the total sum of \$215,200, for the Department of Parks, Recreation and Properties. The contract or contracts shall be paid from Fund Nos. 20 SF 377, 20 SF 382, 20 SF 392, 20 SF 501, 20 SF 504, 20 SF 508, 20 SF 516, and 20 SF 523, Request No. 132973.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 917-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the 2009 Gang Resistance Education and Training Program.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$100,000, and any other funds that may become available during the grant term, from the U.S. Department of Justice, Bureau of Justice Assistance to conduct the 2009 Gang Resistance Education and Training ("GREAT") Program that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 917-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City to provide matching funds in the sum of \$11,111, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 918-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Attorney General for the Special Ohio Drug Use Prevention Grant.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$52,864.86, from the Ohio Attorney General to conduct the Special Ohio Drug Use Prevention Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 918-09-A, made a part of this ordinance as if fully rewritten, and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$52,864.86 from Fund No. 01-600201-507000, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 919-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 2009 Paul Coverdell Forensic Science Improvement Grant.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$88,915, and any other funds that may become available during the grant term, from the U.S. Department of Justice to conduct the 2009 Paul Coverdell Forensic Science Improvement Grant that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 919-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 923-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with various agencies, entities, or individuals needed to implement the 2009 State Byrne Memorial Justice Assistance Grant; authorizing the Director to enter into one or more contracts with Adcom Communications for marketing, education, and awareness services; and authorizing

the purchase or lease of television and radio advertising time and other media.

Whereas, one of the economic benefits under the American Recovery and Reinvestment Act of 2009, also known as the Stimulus Bill, Pub.L. 111-5, H.R.1, S. 1 ("ARRA"), allowed Cities to receive funding for eligible improvements, projects, and programs; and

Whereas, under the authority of Ordinance No. 463-09, passed April 20, 2009, this Council authorized the Director of Finance or the Director responsible for the eligible improvements, projects, and programs to apply for and accept these ARRA funds from Federal, State, or other public entities; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with various agencies, entities, or individuals, including but not limited to, Community Re-Entry, Cuyahoga Municipal Housing Authority, Cleveland Metropolitan School District, Ohio State University, Kent State University, Partnership for a Safer Cleveland, and Challenge Day, Inc. to implement the 2009 State Byrne Memorial Justice Assistance Grant as described in File No. 923-09-A, during the grant term.

Section 2. That the Director of Public Safety is authorized to enter into one or more contracts with Adcom Communications for professional services necessary to provide marketing, education, and awareness services during the grant term.

Section 3. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the codified Ordinances of Cleveland, Ohio, 1976, for the purchase or lease of television and radio advertising time and other media, for the Department of Public Safety during the grant term.

Section 4. That the Director of Finance is authorized to pay a cash match in connection with receiving the 2009 State Byrne Memorial Justice Assistance Grant authorized under Ordinance No. 463-09, passed April 20, 2009 in the amount of \$74,216.69, payable from Fund Nos. 10 SF 025, 10 SF 027, and 20 SF 049.

Section 5. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009, and from the cash match.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 924-09.**By Council Members Cleveland, Dow and Sweeney (by departmental request).****An emergency ordinance to repeal Sections 227.01 through 227.25 and 227.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 227.01 to 227.35 and 227.99 relating to day cares.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976,

Section 227.01, as amended by Ordinance No. 2973-85, passed January 27, 1986,

Section 227.02, repealed by Ordinance No. 1600-90, passed June 18, 1990,

Sections 227.03, 227.04, and 227.05, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Sections 227.06, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 227.07 through and including 227.25 and 227.99, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 227.01 through 227.35 and 227.99 to read as follows:

**CHAPTER 227
DAY CARE CENTERS**

Section 227.01 Definition

As used in this Chapter, "Day Care Center" means an institution or place in which seven or more children not of common parentage, are received for periods of not less than four hours, nor more than twenty-four hours at one time, for care apart from their parents, whether for compensation, reward or otherwise.

Section 227.02 Permit Required

No day care center shall be opened, maintained or conducted in the City of Cleveland without a written permit having been first issued by the Commissioner of Assessments and Licenses. No person, firm or corporation shall open, maintain, conduct or assist in the opening, maintenance or conduct of a day care center in the City, except after a permit has been issued, and then only in full compliance with all the provisions of this chapter.

Section 227.03 Permit Application

Any person, firm, association or corporation desiring a permit to open, maintain and conduct a day care center shall make written application to the Commissioner of Assessments and Licenses, and that application shall state the name and residence of the applicant, and if the applicant is a corporation or association, the name and residence of all the officers; the present or proposed location of the day care center; the purpose for which it is to be opened, maintained or conducted; the accommodations provided for the children to be admitted to the day care center; the name and address of the superintendent or of the person or persons to be in charge; and other information as the Commissioner may request.

Section 227.04 Inquiry Preliminary to Granting Permit

The Commissioner of Health, after such application is made, shall make or cause to be made a strict investigation of the statements and information contained in the application, and a thorough inspection of the premises intended to be used for the day care center.

Section 227.05 Conditions on Which Permit is Granted; Fee

(a) If the Commissioner of Health finds that the statements in the application are correct; that the premises intended to be used as a day care center are suitably located for a day care center and adequately equipped with all necessary heating, ventilating and sanitary devices to ensure the health and well-being of the children to be admitted to the day care center; that the application is made in good faith for the care and betterment of the children; that the superintendent or person to be in charge of the day care center is of good moral character and of sufficient knowledge, experience and ability to properly conduct, manage and maintain the day care center; that the proposed day care center and the premises occupied by the same comply in all respects with the requirements of this chapter; then, but not otherwise, the Commissioner of Health shall recommend to the Commissioner of Assessments and Licenses in writing, that a license be issued. The Commissioner of Assessments and Licenses shall issue or cause to be issued a permit authorizing the applicant or applicants in question to open and conduct a day care center at the place specified, which permit shall state the maximum number of children that may be admitted to or cared for in the day care center at one time. The fee to be paid annually to the City Treasurer for the permit shall be fifty dollars (\$50.00) and no permit shall be issued except upon payment of the fee. Every permit issued under this section shall expire on December 31 of the year in which it is issued, and no second or succeeding permit shall be issued to any person, firm, association, or corporation, except after a reinspection of the premises, as provided for in the case of the issuance of an original permit.

(b) Each day care center shall arrange for annual inspections by the City's Building Department and the Division of Fire. The day care center shall provide certification to the Department of Health that it is in full compliance with the City Building and Fire Codes.

Section 227.06 Posting of Valid State and City Licenses; Change of Ownership or Change of Address

Each day care center shall post in a public area a valid state and city license to operate a day care facility. Both licenses shall be located in an area that is easily noticed upon inspection. Upon change of ownership or

upon change of address, day care centers must reapply to the Commissioner of Assessments and Licenses for a new city license in order to maintain the validity of the license.

Section 227.07 Right of Entry; Revocation of Permit

The Commissioner of Health or his or her designee shall inspect, or cause to be inspected all day care centers in the City, whenever and as often as shall be necessary for the adequate supervision, control and regulation of the same. Whenever the Commissioner receives a written or verbal complaint to the effect that any day care center in the City is not managed, maintained, operated or conducted in compliance with the provisions of this chapter, or that the physical or moral well-being of any child or children cared for in any day care center is not being adequately and properly provided for, the Commissioner shall, within ten days after the written complaint has been delivered to him, cause an investigation of the day care center complained of to be made, and shall make or cause to be made a written report of the result of the investigation. The Commissioner is authorized and empowered either by himself, or any representative designated by him for that purpose, to enter any day care center in the City and the premises on which the same is conducted, for the purpose of making full inspection. If upon any inspection the Commissioner finds that any of the provisions of this chapter are being violated in connection with the conduct and operation of any day care center, or that the physical and moral well-being of any child or children cared for is not being adequately provided for, then and in such event he may revoke the permit issued for the operation of the day care center, and the operation of the day care center shall become unlawful.

Section 227.08 Staff Requirements

(a) All employees must be subject to a medical exam before being hired. All employees must have updated tuberculosis vaccinations before being hired and updated according to medical standards. The medical records and tuberculosis vaccination records must be kept in the employees' personnel files and are subject to inspection by the Commissioner of Health or his or her designee.

(b) All employees must subject themselves to a criminal records check in accordance with Chapter 5104 of the Ohio Revised Code and Chapter 5101:2-12 of the Ohio Administrative Code; the results of which must be kept in the employees' personnel files. Those persons found to have a criminal record shall not be employed in any capacity in or own or operate a school child day care center, unless permitted by Chapter 5104 of the Ohio Revised Code or Chapter 5101:2-12 of the Ohio Administrative Code.

(c) No employee shall abuse or neglect children and all employees shall protect children from abuse and neglect while in the center's care. All employees have a legal duty to immediately report any act or suspected act of child abuse or neglect to the local public children's service agency as provided for in Chapter 5104 of the Ohio Revised Code or Chapter 5101:2-12 of the Ohio Administrative Code.

Section 227.09 Admission Policies and Procedures

(a) Parents and Guardians of children at day care centers shall be provided with written information concerning the program and activities of the center. The information shall include the following:

- (1) The center's name, address and telephone number.
- (2) That the center is licensed to operate legally and the number of children and the age categories the center is licensed to serve.
- (3) That the state department of Job and Family services issues the center a license which is posted in a conspicuous place for review.
- (4) That the law and rules governing child day care are available at the center for review upon request.
- (5) That the department of Job and Family Services' toll-free number is available, and any person may use it to report a suspected violation by the center.
- (6) That the administrator and each employee of the center are required under Ohio law to report their suspicions of child abuse or child neglect.
- (7) That any custodial parent, custodian, or guardian of a child enrolled in a center shall be permitted unlimited access to the center during its hours of operation for the purpose of contacting their children, evaluating the care provided by the center or evaluating the premises. Upon entering the premises, the custodial parent, custodian, or guardian shall notify the administrator of his presence.
- (8) That rosters of names and telephone numbers of parents, custodians, or guardians of children attending the center are available on request. Parents shall be notified that the rosters shall not include the name or telephone number of any parent, custodian, or guardian who requests the administrator not include his name or telephone number.
- (9) That the center's licensing record including, but not limited to, compliance report forms from the department and evaluation forms from the health, building, and fire departments that inspected the center, is available on request from the department.
- (10) That it is unlawful to discriminate in the enrollment of children upon the basis of race, color, religion, sex, or national origin.
- (11) That it is unlawful to smoke on the premises during the Center's hours of operation and all Centers shall comply with Ohio laws and regulations regarding smoking.

(b) Parents and Guardians of children at day care centers shall be provided with written information concerning the center's program including, at a minimum:

- (1) Day and hours of operation.
 - (2) The maximum number of children per staff member allowed.
 - (3) A sample of the daily program schedule for the group of children in which the child will receive care.
- (c) Parents and Guardians of children at day care centers shall be provided with written information concerning the center's policies concerning:
- (1) Discipline and safety.
 - (2) The serving of meals and snacks.

- (3) Emergencies, accidents, management of communicable illnesses and administration of medications.
 - (4) Fees, registration, rebates, overtime charges, and permanent withdrawals.
 - (5) The release of the child from the center to any other person other than the custodial parent or guardian.
 - (6) The transportation of children including, but not limited to, transportation of a child to the source of emergency medical care or emergency dental care and transportation for routine trips, field trips, or special outings.
 - (7) The center's plan for parental participation.
 - (8) The center's plan for the supervision of children.
- (d) A copy of the policies stated above must be kept on file at the day care center and is subject to inspection by the City of Cleveland.

Section 227.10 Parental or Guardian Access

(a) The residential parent, custodian, or guardian of a child enrolled in a day care center shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting the child, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. Upon entering the premises, the residential parent, custodian, or guardian shall notify the administrator or his designee of his presence.

(b) A parent of a child enrolled in a day care center that is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes and conditions under which the residential parent of that child is permitted access to the center. However, the access of the parent who is not the residential parent is subject to and limited by any agreement between parents and, to the extent described in Chapter 5104 of the Ohio Revised Code, is subject to and limited by any terms or conditions limiting the right of access of the parent who is not the residential parent, as described in section 3109.051 of the Revised Code, that are contained in a visitation order or decree issued under that section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code.

Section 227.11 Ventilation, Light, Heat and Screening

(a) All rooms in a day care center shall be adequately heated and ventilated, and no room shall be used for day care center purposes unless the same has windows opening on a public thoroughfare, or a yard or court not less than ten feet wide, which windows shall have a total glass and sash area equivalent to one-eighth of the total floor area of the room.

(b) Each room used for day care center purposes shall be properly ventilated and no day care center shall be operated or conducted unless it is provided with a heating apparatus approved by the Commissioner of Health and installed in conformity with law and ordinance, sufficient to maintain a temperature of not less than 68° F., at all times in all parts of the day care center to which children are admitted.

(c) All doors, windows and other outside openings of any day care center shall be adequately provided with screens from May 15 to November 15 of each year while the day care center is in operation, so as to prevent the entrance of flies into the day care center. Each day care center shall be kept and maintained free from flies and other insects.

Section 227.12 Floor Space

(a) The day care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards.

(b) Each bed or crib shall be so placed at all times as to provide a space of not less than one foot on all sides around such bed or crib, except where the bed or crib may be in contact with a wall. Nothing contained in this chapter, however, shall prevent the installation of sectional metal beds of the type and construction approved by the Commissioner of Health.

Section 227.13 Rooms Above Ground Level

No room shall be used for day care center purposes unless the floor is above ground level, except if the Commissioner of Health and the Division of Fire shall upon a full examination of such room pronounce the same safe, healthful and sanitary.

Section 227.14 Outdoor Play Space and Playgrounds

(a) Each day care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The Commissioner of Health may exempt a center from the requirement if an outdoor play space is not available and if all of the following are met:

(1) The center provides an indoor recreation area that has not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under Section 227.12 of this section.

(2) The Commissioner of Health has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(3) The children are closely supervised during play and while traveling to and from the area.

(b) Stationary outdoor equipment such as, but not limited to, climbing gyms, swings or slides, shall be placed out of the path of the main traffic pattern in the yard and shall be securely anchored unless portable by design.

(c) Outdoor play surfaces shall be maintained daily and shall be kept free of hazards and debris.

(d) Wading pools shall be filtered, emptied, or drained daily. When not in use, the pools shall be stored or otherwise made inaccessible to children.

Section 227.15 Premises to be Kept Clean

Each day care center, every part of a day care center, and all areas appurtenant to a day care center, shall be kept in a clean, sanitary and healthful condition, free from dangerous or noxious substances of any kind, or any conditions that may, in the judgment of the Commissioner of Health, tend to injure the physical or moral well-being of the children admitted or cared for in the day care center. No dry dusting or sweeping shall be done in any day care center while children are cared for in the day care center. No spraying of pesticides shall be done in any day care center while children are cared for in the day care center.

Section 227.16 Bedding

(a) Each center shall provide a quiet space for children who want to rest, nap, or sleep. The center or parent shall provide a clean and washable pad, mat, or comfortable furniture for children to use to rest, nap or sleep. No child shall be permitted to rest, nap, or sleep on the floor without a mat, pad, cot or comfortable furniture.

(b) When children rest, nap, or sleep on mats or pads, floors shall be clean, warm, dry, and draft free.

(c) Evacuation routes shall not be blocked by resting children. Each child shall have a free and direct means of escape, and the child care staff members shall have a clear path to each child.

(d) Children not of common parents may not occupy the same sleeping space at the same time.

Section 227.17 Care of Children's Clothing and Diapering

(a) All children's clothing must be kept clean and dry throughout the time at the day care center.

(b) Changing of diapers for all non-toilet trained school children shall be handled in conformity with the following methods:

(1) Changing of diapers for all non-toilet trained school children shall occur in a space that contains a hand-washing facility.

(2) Hands of the adult caring for the child shall be washed with soap and water after each diaper change.

(3) If a central diaper changing station is to be used, there shall be a separation material placed between the child and the changing surface. The separation material shall be replaced after each diaper change with a clean separation material.

(4) The central diaper changing station shall be disinfected after each diaper change with an appropriate germicidal agent. If the diaper changing station is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.

(5) Any product used during diaper changing which is used on more than one child shall be used in a way that the container does not touch the child. Any product obtained from a common container and applied to a child shall be applied in a manner that does not contaminate the product or its container. Common containers shall be cleaned and disinfected with an appropriate germicidal agent when soiled.

(c) Storing of clean diapers and clothing shall be handled under the following methods:

(1) A clean supply of diapers and clothing shall be available at all times and shall be stored in a specifically designated area.

(2) Diapers and clothing used during diaper changing brought from the child's home shall be stored in a space assigned exclusively for each school children's belongings.

(d) Storage and laundering of soiled diapers and clothing shall be handled under the following methods:

(1) Diapers and clothing soiled with fecal matter and sent home with a child need not be rinsed at the center, but may be placed directly into a plastic container or bag, sealed tightly, and stored away from the rest of the child's belongings and out of reach of children.

(2) Soiled diapers to be disposed of or cleaned by the center shall be placed in common plastic-lined, covered container which shall be emptied, cleaned, and disinfected with an appropriate germicidal agent daily or more frequently as needed. Diapers to be laundered at the center should be stored in an appropriate germicidal solution until laundered.

(3) Soiled diapers to be commercially laundered shall be held for pickup for laundering for no longer than seven days.

(4) Diapers to be laundered at home or by the center shall be held for no longer than one day.

(5) Soiled disposable diapers shall be discarded daily.

(6) Disposable materials are recommended for diaper changing, and if used, shall be used once and discarded. If washcloths or other washable materials are used, they shall be used once and stored in an appropriate germicidal solution until laundered.

Section 227.18 Use of Common Items Prohibited

The common use of washcloths, towels, bed linen, combs, tooth brushes, hair brushes and drinking cups, and other personal affects is prohibited.

Section 227.19 Toilet Facilities

Each day care center shall be adequately supplied with hot and cold water and toilet facilities within the building or part of the building used as the day care center. The hot water shall not go above 120 Degrees Fahrenheit. Scald controls shall be placed on all hot water dispensers to which children have access. There shall be separate toilets for boys and girls of school age and sinks and toilets shall be of a suitable height for the age and size of the children. If toilets and sinks are not of a suitable height for children, the center shall provide a sturdy portable platform on which the children may stand. All toilet facilities shall be equipped with adequate toilet tissue, soap and hand-drying mechanisms, including towels or air driers. Each day care center that uses a toilet training apparatus must clean the apparatus after each individual use and the apparatus must be stored in an appropriate place after use. Toilet facilities shall be cleaned on a regular basis using germicidal substances, but cleaning must not take place while the children are in attendance.

Section 227.20 Isolation Room or Area

Each day care center shall be provided with an isolation room/area of adequate size to provide for the isolation and care of any child having or suspected of having any contagious, infectious, parasitic or communicable disease, pending the examination of such child, and its removal from the day care center. Such isolation room/area shall be completely separated from all other parts of the day care center, and shall be so situated, maintained and equipped as to prevent the communication or spread of any disease from any occupant of such isolation room to other children admitted to or cared for in such day care center. The isolation room shall be equipped with a cot, at a minimum, for children to lie down and rest while being isolated.

Section 227.21 Communicable Disease

(a) Each day care center shall have a written policy concerning the management of communicable disease for both attendees and staff. This policy shall be available to all parents and guardians of children at the center, each employee of the center and to the director on request. The policy shall include, at a minimum:

(1) The center's means of training all staff on signs and symptoms of illness and in hand washing and disinfection procedures.

(2) The center's policy regarding the management of communicable disease among the center's employees.

(3) The list of symptoms for which a child shall be discharged from the center.

(4) Procedures for isolating and discharging an ill child and policy for readmitting a child.

(5) Location of Ohio department of health "Child Day Care Communicable Disease Chart" which shall be posted in each center.

(6) Procedure for immediate notification of the parent or guardian when a child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease.

(7) The center's policy for administration of medications to any child at the center.

(8) The center's policy regarding the care of a mildly ill child.

(b) A daily health check shall be conducted every day to recognize the signs of communicable disease and all results shall be documented and kept on file.

(c) Day care centers shall follow the Ohio Department of Health "Child Day Care Communicable Disease Chart" for appropriate management of suspected illnesses. This chart shall be posted in the day care center.

(d) Any child absent from any day care center for more than three days shall be subjected to a medical examination and proper documentation of said exam shall be presented to the day care center to indicate permission to return to the day care center.

Section 227.22 Care and Selection of Food

(a) Each day care center that prepares and/or serves food must post food licenses issued by the Department of Public Health or exemption thereof in a conspicuous place, easily noticed by all who enter the day care center. Current menus for the entire week shall be posted in a conspicuous place and shall reflect all meals, including breakfast, lunch, dinner or supper, and snacks to be served by the center; any substitute foods served shall be from the basic food groups and shall be recorded on the posted menu on the day the substitute food is served. Special efforts should be made to serve healthy food and beverage options to the children.

(b) All food used by the day care center or food provided by the parents of the children shall be stored safely and in a sanitary way. Storage of foods shall meet the requirements of Chapter 3732 of the Revised Code and any relevant regulations adopted by the public health council. Refrigerators shall be set to hold food at a temperature below 41 degrees Fahrenheit. The thermostat shall be in good working condition and accurate.

(c) Fluid milk shall be vitamin D fortified. Low-fat, skim, or dry powdered skim milk shall be vitamin A and D fortified. Prepared baby formula may also be used to feed infants. Breast milk must be labeled with name and date of issue. Refrigerated breast milk must not be kept for more than 24 hours. Frozen breast milk may be stored for up to three months. All nipples, bottles and containers of food and drink used in any day care center shall be kept thoroughly clean and capped with plastic tops and labeled with the child's name at all times.

(d) Parents may provide food for their children at the day care center if the center secures a proper valid food license, the center has a policy which addresses the center's procedures for providing a meal or snack to a child who comes to the center without food from home, and the center provides parents with nutritional guidelines of what foods must be provided for their children. Parents need to check with the day care center to find out if there are foods or products that are disallowed because a particular child or children at the center may be allergic to that food or product.

Section 227.23 Sanitary Condition of Day Care Centers

(a) Each day care center and all of the rooms, walls, floors, ceilings, closets, cupboards, stoves, refrigerators, furniture and other appurtenances, shall be kept in a thoroughly clean and sanitary condition at all times, and free from any dangerous, noxious or deleterious substances or conditions.

(b) Furniture, equipment, and materials which are not usable due to breakage or hazards shall be removed immediately and either repaired or discontinued from use.

(c) Washable equipment and furniture shall be cleaned with soap and water at least two times each year. Additionally, any item soiled during daily use by, but not limited to, blood, vomitus, toileting accidents and spills shall immediately be cleaned with soap and water and then disinfected with a germicidal agent. Toys and other items placed in children's mouths shall be cleaned thoroughly and disinfected with an appropriate germicidal solution and rinsed with water daily and immediately if soiled with blood, feces, urine or vomitus.

(d) All electrical outlets shall be covered to prevent accidents.

(e) If electrical fans are used, they shall have protective coverings, shall not be easily tipped over, and shall be placed so that they are not hazardous to children.

(f) Cleaning equipment shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans, or other chemical substances shall be stored in their original containers and/or clearly labeled, and stored in a space that is designated for the storage of such items and that is inaccessible to children.

- (g) Blankets and/or sheets belonging to the center used by the children shall be laundered at least every week or more often if soiled. If a blanket and/or sheet is used by a different child, it shall be laundered between uses.
- (h) Accumulated trash and garbage shall be stored outside of the outdoor or indoor play area and shall not be accessible to the children.

Section 227.24 First Aid Supplies

First Aid supplies shall be readily available at all times the day care center is in operation. First Aid supplies shall be organized and easily accessible and shall include: one roll of one-half inch non-allergenic adhesive tape, one roll of two inch gauze roller bandage, ten individual wrapped sterile gauze squares in various sizes, twenty five adhesive compresses (band aids), three cotton towels or sheeting, one pair of scissors, assorted sizes of safety pins, one flashlight, one thermometer, one measuring spoon or dosing spoon, tweezers, and one-third of a cup of powdered milk for dental first aid. Supplies shall be replaced as they are used, become damaged, or are sterile no longer.

Section 227.25 Program and Equipment

- (a) Each center shall provide each day a balance of both quiet and active play suitable to the age and abilities of the children in care and shall include, but not be limited to:
 - (1) Homework or individual, small group activities.
 - (2) Developmentally appropriate enrichment activities.
 - (3) Child initiated activities and unstructured time periods.
 - (4) Large muscle and outdoor play activities. In extremely inclement weather, the center shall provide an opportunity for indoor gross motor play such as, but not limited to climbing, jumping, running, or riding wheel toys.
- (b) Each center shall make available to the children play materials and equipment for the purpose of implementing program goals and activities. Play materials and equipment shall be suitable to the age levels and abilities of the children attending the center.
- (c) Play materials to be used in the center's program shall be arranged in an orderly manner so that children may select, remove, and replace play materials with a minimum of assistance during appropriate times throughout the daily program.
- (d) Each center shall provide durable furniture, such as tables and chairs, for purposes of implementing the program. The furniture shall be child sized or appropriately adapted for use by children.

Section 227.26 Medical Examination Before Admission; Contagious Disease

No child shall be admitted to the day care center unless the child has been given a thorough and complete medical examination by a licensed examining physician. Such examination shall include all laboratory tests necessary to indicate the physical condition of the child examined, including a recent blood lead test for children under 6 years of age, and shall provide to the child all necessary immunizations that are required by law. The result of such examination shall be reduced to writing and preserved in the permanent files kept at the day care center. No child may be admitted to any day care center unless the examination indicated by the record shows that such child is free from any contagious, infectious, communicable or parasitic disease, and duly protected against contagion or infection. No examining physician shall make any untrue or incorrect statement in any report provided for in this section.

Section 227.27 Overcrowding and Children per Staff Member Ratio

- (a) No room in any day care center shall be overcrowded. Any room shall be deemed overcrowded for the purposes of this chapter if there is less than 300 cubic feet of air space per child at any time.
- (b) Each day care-center shall have at least two responsible adults, including one staff member, available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child-care staff to give continuity of care and supervision of the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. The following ratios of children per child-care staff member are to be followed:

INFANTS

Less than twelve months old	5:1 or 12:2 with two staff members in the room
Twelve to eighteen months old	6:1

TODDLERS

Eighteen to less than thirty months old	7:1
At least thirty months to less than three years	8:1

PRESCHOOL

Three years old	12:1
Four and five year olds	14:1

SCHOOL CHILDREN

Children enrolled in, or eligible to be enrolled in kindergarten or above, but less than eleven years old	18:1
Eleven through fourteen years old	20:1

- (c) When children are combined with other age groups, the ratio must conform to the youngest child in the group.
- (d) Each day care center must have an administrator on site for minimum of at least half of the operating hours. This presence must be documented and available for inspection.

Section 227.28 Discipline of Children

Each day care center shall have a written discipline policy which describes the center's philosophy of discipline and the specific methods of discipline used at the center. The policy shall follow the State's guidelines as set forth in 5101:2-17-42 of the Ohio Administrative Code. The parent or guardian of a child enrolled in a center shall receive a copy of the written discipline policy and a copy of the policy shall be on file at the day care center and ready for inspection.

Section 227.29 Safety Policies

Each day care center shall have written policies for different safety issues including, but not limited to not leaving children unattended, arrival and departure policies, immediate telephone access, fire and weather alert plans, incident report procedures, monthly fire drills, field trip safety plans, and the no spraying of aerosols while children are present. These written policies shall be on file at the day care center and ready for inspection.

Section 227.30 Child Enrollment, Attendance and Medical Records

(a) The administrator of each day care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential except as otherwise exempt by law.

(b) Enrollment records shall include:

- (1) The name, address, and birth date of each child.
- (2) The date of admission of each child.
- (3) The names, home addresses, home telephone numbers of each parent or guardian.
- (4) The names, work addresses, work telephone numbers, or name and address of location and telephone number where each parent or guardian may be reached during the hours the child attends the center.
- (5) The names, addresses, telephone numbers and relationships to each child of at least two local persons who can be contacted by the center in the event of an emergency if the parent or guardian cannot be reached.

(c) Attendance records shall be kept by the staff member responsible for the child. Records shall be kept for at least three months and shall include the names of the other children in the group, the name of the staff member in charge of that group, the designated space used by the group, and the schedule of each child in the group, including the days and hours of attendance.

(d) Health records shall be secured from the parent on or before the first day of attendance. The health record shall be kept on file and shall include:

- (1) A list of medications, food supplements, modified diets, or fluoride supplements currently being administered to the child.
- (2) Written, signed and dated instructions from a licensed physician or licensed dentist to administer medications, food supplements, modified diets or fluoride supplements.
- (3) A list of all allergies and any special precautions or treatment indicated for these allergies.
- (4) A list of all physical problems, health problems, and any history of hospitalization.
- (5) A list of diseases the child has had.
- (6) The name, address, and telephone number of the child's physician or clinic.
- (7) An emergency transportation authorization as required in the Ohio Administrative Code.

(e) The center shall require that parents or guardians review and update information as needed or at least annually.

Section 227.31 Administration of Medications and Supplements

(a) Each center shall have a written policy on file and given to parents and guardians that governs whether and how a center administers medications, food supplements, modified diets or fluoride supplements.

(b) Each center shall secure the written instructions of a licensed physician or licensed dentist for the administration of the medication, food supplement, modified diet, or fluoride supplement and secure the written, signed and dated instructions of the parent or guardian on the form provided by the director for the administration of the medication, food supplement, modified diet, or fluoride supplement.

(c) Prescription labels on medications to be administered must be clearly labeled, with a current date, an exact dosage and the specific number of dosages to be given daily, and the route of administration.

(d) Exceptions:

(1) In cases of extreme emergency, center personnel may administer syrup of Ipecac to a child without written instructions from a physician if following verbal instructions of the poison control center or a licensed physician.

(2) Nonprescription fever-reducing medications that do not contain aspirin, or nonprescription cough or cold medications that do not contain codeine may be administered by the center without written instructions from a licensed physician if the child's parent or guardian have provided an authorization, the medication is in its original container, and medication is properly labeled with dosages based on the child's age or weight.

(e) Medications, food supplements, and fluoride supplements shall be kept in a safe location where children cannot reach it. A medication requiring refrigeration shall be refrigerated on arrival at the center and shall be stored so as not to contaminate foodstuffs.

Section 227.32 Medical and Dental Emergency Procedures

(a) The day care center shall have a written plan for medical and dental emergencies. The emergency plan shall require immediate notification of the parent or guardian in the event of any accident, injury, or illness and shall include plans for transportation of the child to the source of medical or dental care treatment, if necessary.

(b) The medical and dental emergency plan shall be posted by each telephone used by the center and in each classroom used by the children at the center. The emergency plan shall state, at a minimum, the following information:

- (1) The center's name, address, and telephone number.
- (2) The location of the first aid kit.
- (3) The current emergency telephone numbers for the emergency squad, the fire department, the hospital, the poison control center, the local public children's services agency, and the police department.
- (4) The names of the staff trained to administer first aid.
- (5) The location of children's records.
- (6) General instructions to staff in case of emergency, including the supervision of children during the emergency.
- (7) General instructions to staff in case of illness of children.
- (8) The location of the Ohio department of health dental first aid chart.

Section 227.33 Reports to the Commissioner of Health

(a) Every person, firm, association or corporation conducting, managing or maintaining a day care center shall report to the Commissioner of Health at once by telephone and by mail all cases and suspected cases of contagious diseases, such as smallpox, chickenpox, diphtheria, scarlet fever, mumps, measles, German measles, impetigo contagiosa, typhoid fever, tuberculosis, infantile paralysis, epidemic cerebrospinal fever, pneumonia, summer diarrhea, and any other disease that may be classified by the Commissioner as actively communicable. The report shall give the names and addresses of persons so afflicted and other information as may aid in eradicating such diseases.

(b) Every person, firm, association or corporation conducting a day care center shall also make out a Monthly Illness Report Form in writing on or before the fifth day of each calendar month, giving a complete record of the operation of the center during the preceding calendar month, showing the number of children admitted, all relevant illnesses, all accidental injuries and deaths, the cause of the same and other information as may be necessary to an intelligent supervision of the center. This report shall be kept in the permanent records of the day care center.

(c) All reports required in this section shall be made upon blanks approved by the Commissioner and shall be signed by the superintendent or the official in charge. All records placed in permanent files under the requirements of this chapter shall be open to inspection of the Commissioner or any officer or employee of the Division of Health designated by the Commissioner at any time.

Section 227.34 Appeal

A day care center's license may be suspended or revoked at any time by the Commissioner of Health on his own initiative or on the recommendation of the Director of Public Health. Before suspending or revoking the license the Commissioner shall afford the licensee the opportunity of a hearing on the charges. The licensee may appeal from the order in the manner provided by Section 201.03. A second suspension for the same reason or, in any case a third suspension of a day care center's license shall operate as a revocation of such license. No day care center's owner or administrator whose license has been revoked shall again be licensed as a day care provider in the City unless on presentation of reasons satisfactory to the Commissioner. The Commissioner shall notify the Department of Health of all suspensions or revocations of day care licenses.

Section 227.35 Violations

(a) If any person, firm, association or corporation conducting a day care center violates any of the provisions of this chapter relating to the safety of, or the accommodations for the children, the Commissioner of Health is authorized to issue an order to close the day care center and keep it closed until such repairs or alterations have been made as will comply with the provisions of this chapter.

(b) No person shall fail to comply with a lawful order issued by the Commissioner under this section.

Section 227.99 Penalty

(a) Any person, firm, association or corporation who opens, maintains or conducts a day care center without first having been granted a permit, or after the due revocation of the permit, or in violation of any of the provisions of this chapter, shall be fined not less than three hundred dollars (\$300.00), nor more than one thousand dollars (\$1000.00) for each offense.

(b) Whoever fails to comply with the lawful order issued under division (a) of Section 227.35 is guilty of a misdemeanor of the first degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(c) In the event of any actual or threatened violation of this chapter or an emergency situation, the Director of Law, in addition to other remedies provided by law, may institute proper suit in equity or at law to prevent or terminate the violation or remedy the situation.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 964-09.

By Council Members Kelley, Brantelli, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvements of renovating and rehabilitating Aviation High School and its associated property and constructing a temporary consolidated maintenance facility at Burke Lakefront Airport; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvements; to employ one or more professional consultants to design the improvements and to enter into various written standard purchase and requirement contracts; to lease Aviation High School and its associated property to MCPe, Inc., dba MCPe Computer Products, for a term of fifteen years; and to apply for and accept grants from any public or private entities to implement the improvements.

Whereas, the City of Cleveland owns certain property known as Aviation High School and its associated property, located at 1501 North Marginal Road ("Aviation High School"), which is not needed for public use; and

Whereas, MCPe Inc., dba MCPe Computer Products ("MCPe") has proposed to lease Aviation High School from the City in order to relocate its headquarters and manufacturing operations to the City of Cleveland; and

Whereas, the City of Cleveland desires to lease the property to MCPe and is willing to work with MCPe to renovate and rehabilitate Aviation High School due to the significant economic advantages it will bring to the City; and

Whereas, the unique design, time, budgetary, or other material elements of this project can benefit from the special care, coordination, and expeditiousness possible by performance of both the professional design services and the construction under a design-build approach contract with a single entity; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of renovating and rehabilitating Aviation High School and its associated property and constructing a temporary consolidated maintenance facility (the "Improvement"), for the Division of Burke Lakefront Airport, Department of Port Control, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method(s), the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional(s) and construction firm(s), and the other objectives of the Improvement.

The selection of the person(s), firm(s), or corporations(s) to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of

Port Control from a list of qualified and available person(s), firm(s), or corporations(s), as may be determined by the Director of Port Control after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That, alternatively, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating Aviation High School and its associated property, and constructing a temporary maintenance facility consisting of the design, procurement, and construction of the Improvement, for the Division of Burke Lakefront Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director of the Department of Port Control the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 3. That, alternatively, the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the Department of Port Control in order to provide professional services necessary to design the Improvement, for a period up to two years, with two one year options exercisable by the Director of Port Control.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 4. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of sup-

plementing the regularly employed staff of the several departments of the Department of Port Control in order to provide professional services which are necessary to implement the Improvement and are not covered under any other professional services contract authorized in this ordinance, for a period up to two years, with two one year options exercisable by the Director of Port Control.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 5. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a period up to two years, with two one year options exercisable by the Director of Port Control, for the necessary items of materials, equipment, supplies, and services necessary to implement or construct the Improvement, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 6. That the costs of the requirement contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to lease to MCPe, Inc., dba MCPe Computer Products ("MCPe"), Aviation High School and its associated property, located at 1501 North Marginal Road.

Section 9. That the term of the lease authorized by this ordinance shall not exceed fifteen years.

Section 10. That Aviation High School and its associated property shall be leased at a base rental of \$1.0 million annually for the first 5 years of the term, shall increase to

\$1.2 for years 5 through 10 and increase to \$1.5 million for years 11 through 15. MCPc will be responsible for any expenses in excess of \$14.3 million needed for completion of the Aviation High School portion of the Improvement. Rent credits shall be issued to the extent that the costs of completing the Aviation High School portion of the Improvement is below \$14.3 million and amortized against base rental over the term of the lease. The Lease will be on a triple net basis and will require a surety equal to one year of base rent.

Section 11. That the lease shall authorize MCPc to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 12. That the lease shall be prepared by the Director of Law.

Section 13. That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to The Bank of New York Mellon Trust Company, NA, as successor trustee, dated November 1, 1976, as amended, that the City desires and requests that a certain portion of its land subject to the Trust Indenture be released and removed from all obligations under the Trust Indenture. The portions of the land to be released is Aviation High School and its associated property.

Further, the City acknowledges, states and affirms that it is not in default under the Indenture, and that release of the land is necessary in order to enter into the lease with MCPc as contemplated herein.

Section 14. That the Director of Port Control is authorized to apply to The Bank of New York Mellon Trust Company, NA, as successor trustee, for release of Aviation High School property and its associated property under the Trust Indenture dated November 1, 1976, as amended.

Section 15. That the Director of Port Control is authorized to apply to the Federal Aviation Administration for the land release of Aviation High School and its associated property, and authorizing the Director of Port Control, the Director of Law, and other appropriate City officials to execute any other documents, deeds, and certificates, and take any other actions which may be necessary or appropriate to effectuate the land release.

Section 16. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 17. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of Codified Ordinances of the City of Cleveland, the Director of Port Control is authorized to execute all documents and pay all fees necessary to acquire any real estate interests needed for the Improvement.

Section 18. That the Director of Economic Development is authorized to apply for and accept grants from any public or private entity to assist with the Improvement; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes of this ordinance.

Section 19. That the Department of Port Control shall develop a memorial honoring General Benjamin O. Davis at an appropriate location to be determined by the Department.

Section 20. That the costs of any grants, contracts, or payments authorized in this ordinance shall be paid from Fund Nos. 17 SF 652, 60 SF 104, 60 SF 106, 60 SF 112, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 128, 60 SF 129, and 60 SF 130, 60 SF 141, and from the fund or funds to which are credited any grant proceeds received under this ordinance, Request No. 175251.

Section 21. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 971-09.

By Council Member Cimperman.
An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 76 of the Charter of the City of Cleveland, relating to the City Planning Commission.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that it must be certified to the election authorities immediately in order for the question to appear at the regular municipal election to be held on November 3, 2009, and providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at the regular municipal election to be held at the usual places of voting of the City on Tuesday, November 3, 2009, of a proposal to amend the Charter of the City of Cleveland by amending existing Section 76 to read as follows:

§76 City Planning Commission

There shall be a City Planning Commission composed of seven (7) members. One shall be a member of the Council of the City of Cleveland chosen by each Council to serve during the term of such Council, and six members shall be appointed by the Mayor, with the approval of Council, and may be removed by the Mayor. Two alternate members shall be appointed by the Mayor, with the approval of Council, and may be removed by the Mayor. The alternate members may serve in place of a non-Council member of the City Planning Commission who is unable to act or is self-disqualified because of personal interest, and shall then have all the powers of the member and shall receive compensation for services as determined by the Council. In the event of the absence of the one Council member of the City Planning Commission, the Council President may appoint another Councilmember to serve as a member pro tempore for purposes of that City Planning Com-

mission meeting. The term of the members, other than Council members, shall be six (6) years, except that of the initial appointments of the non-alternate members, the terms of two members shall be two (2) years, and the terms of two members shall be four (4) years. Vacancies in the Commission shall be filled in the same manner for the unexpired term. The Chairman of the Commission shall be appointed annually by the Mayor from the members and may be removed as Chairman at the Mayor's pleasure.

Section 2. That the proposed amendment to the Charter, upon receiving at least a majority of the votes cast at the November 3, 2009 regular municipal election, shall become effective immediately upon its adoption.

Section 3. That the Clerk of this Council is authorized promptly to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the election to be held on November 3, 2009, on the proposed amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of this Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the regular municipal election to be held on November 3, 2009, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Ohio Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the proposed amendment shall read as follows:

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Section 76 of the Charter of the City of Cleveland be amended to provide for the appointment of two alternate members to the City Planning Commission who shall be appointed by the Mayor with the approval of Council, may be removed by the Mayor, shall serve for a six (6) year term, shall serve in place of a non-Council member of the City Planning Commission who is unable to act or is self-disqualified because of personal interest, and shall receive compensation for services as determined by the Council, and for the appointment of an alternate Councilmember by the Council President in the absence of the one Council member of the City Planning Commission?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 972-09.

By Council Member Cimperman.

An ordinance changing the Use District of lands on the south side of Clark Avenue between the intersections of W. 13th Street and an Unnamed Alley to a Local Retail Business District and a Two Family Residential District and a 'B' Area District as indicated on the map (Map Change No. 2283, Sheet Nos. 5 & 6).

Be it resolved by the Council of the City of Cleveland:

Section 1. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Clark Avenue at its intersection with the northerly prolongation of the centerline of West 13th Street;

Thence southerly along the northerly prolongation of the centerline of West 13th Street to its intersection with the westerly prolongation of the southerly line of Sublot No. 9 in the J.M. Curtiss Subdivision shown on the recorded plat in Volume 12, Page 1 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said southerly line and along its easterly prolongation to its intersection with the centerline of West 12th Street;

Thence southerly along said centerline of West 12th Street to its intersection with the westerly prolongation of the centerline of Mace Court;

Thence easterly along said westerly prolongation and along its easterly prolongation to the southeasterly line of Sublot No. 54 in the aforementioned J.M. Curtiss Subdivision;

Thence northeasterly along said southeasterly line and along its northeasterly prolongation to its intersection with the centerline of West 11th Street;

Thence northwesterly along said centerline of West 11th Street to its intersection with the southwesterly prolongation of the southerly line of a parcel of land conveyed to Virginia Rodriguez by deed dated January 4th 1989 and recorded in Auditor's File Number V89900290056 said parcel also being known as Cuyahoga County's Permanent Parcel number 008-09-064;

Thence northeasterly along said southwesterly prolongation of said southerly line to its intersection with the northwesterly line of Sublot Number 56 in the aforementioned J.M. Curtiss Subdivision;

Thence southwesterly along said northwesterly line to its intersection with the southwesterly line of a parcel of land conveyed to Kimberly Smith by deed dated July 14, 2006 and recorded in Auditor's File Number 200607140937, said parcel also being known as Cuyahoga County's Permanent Parcel Number 008-09-091;

Thence southeasterly along said southwesterly line to its intersection with the southeasterly line thereof;

Thence northeasterly along said easterly line and along its northeasterly prolongation to its intersection with the centerline of Clark Avenue;

Thence westerly along said centerline of Clark Avenue to its intersection with the northerly prolongation of the centerline of West 13th Street and the principal place of beginning;

and shaded on the attached map is changed to a Local Retail Business District.

Section 2. That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of West 11th Street at its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 58 in the J.M. Curtiss Subdivision shown on the recorded plat in Volume 12, Page 1 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northwesterly line and along its northeasterly prolongation to its intersection with the centerline of an Unnamed Alley, 16 feet Wide;

Thence southeasterly along said centerline of said Unnamed Alley to its intersection with the northeasterly prolongation of the southeasterly line of Sublot Number 62 in the aforementioned J.M. Curtiss Subdivision;

Thence southwesterly along said northeasterly prolongation of said southeasterly line and along its southwesterly prolongation to its intersection with the centerline of West 11th Street;

Thence northwesterly along said centerline of West 11th Street to its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 58 and the principal place of beginning;

and as indicated on the attached map is changed to a Two Family Residential District and a 'B' Area District.

Section 3. That the changed designation of lands described in Section 1 and Section 2 shall be identified as Map Change No. 2283, Sheet Nos. 5 & 6, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed August 5, 2009.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1067-09.**By Council Member Cimperman.**

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009, relating to changing the use district of land on the north and south sides of Holmden Avenue east of West 14th Street to an Urban Garden District.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009 are amended to read as follows:

An ordinance changing the Use District of land on the north and south sides of Holmden Avenue east of West 14th Street to an Urban Garden District (Map Change No. 2282, Sheet Nos. 5 and 6).

Section 1. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Holmden Avenue, east of West 14th Street at its intersection with the northerly prolongation of the westerly line of Sublot Number 47 in the F. Nicola Subdivision Not Recorded, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-077;

Thence southerly along said northerly prolongation of said westerly line to its intersection with the southerly line thereof;

Thence easterly along said southerly line and continuing along its easterly prolongation to its intersection with the westerly line of Sublot Number 52 in the aforementioned F. Nicola Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-072;

Thence northerly along said easterly line and along its northerly prolongation to its intersection with the centerline of Holmden Avenue;

Thence westerly along said centerline of Holmden Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 7 in the aforementioned F. Nicola Subdivision, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-035;

Thence northerly along said southerly prolongation of said easterly line to its intersection with the southerly line of Sublot Number 54 in the Meyer Re-Allotment shown on the recorded plat in Volume 12, Page 8 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 008-14-024;

Thence westerly along said southerly line to its intersection with the westerly line of the aforementioned Sublot Number 7;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Holmden Avenue;

Thence westerly along said centerline of Holmden Avenue to its

intersection with the northerly prolongation of the aforementioned Sublot Number 47 and the principal place of beginning;

and shaded on the attached map is changed to an Urban Garden District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2282, Sheet Nos. 5 and 6, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 774-09, passed July 1, 2009 are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1068-09.**By Council Member Keane.**

An emergency ordinance designating St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on June 25, 2009 to discuss the proposed designation of St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark; and

Whereas, the Commission has recommended designation of St. Patrick Church, School, Cemetery and Accessory Buildings (also known as St. Patrick West Park) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That St. Patrick Church, School, Cemetery and Accessory

Buildings (also known as St. Patrick West Park), whose street addresses in the City of Cleveland are 4395-4435 Rocky River Drive, S.W., and 17708-17722 Puritas Avenue, S.W.; Cuyahoga County Auditor's Permanent Parcel Numbers are 027-12-009, 027-12-10, 027-12-012, 027-12-050, 027-12-051, also known as the following described property:

Beginning on the Southeasterly line of Rocky River Drive, S.W. at its intersection with the Northerly line of Puritas Avenue, S.W.; thence Northeasterly along the Southeasterly line of said Rocky River Drive to the Northerly line of land conveyed to William Code by deed dated November 2, 1881 and recorded in Volume 330, Page 197 of Cuyahoga County Records and being also known as Permanent Parcel Number 027-12-009; thence Easterly along the Northerly line of land conveyed to said William Code to the Northeasterly corner thereof; thence Southerly 264.66 feet along the Easterly line of land conveyed to William Code as aforesaid to the Southeasterly corner thereof; thence Westerly along the Southerly line of land so conveyed to the Westerly line of land conveyed to Kathryn and Thomas Murray by deed dated March 31, 1939 and recorded in Volume 4933, Page 387 of Cuyahoga County Records and being also known as Permanent Parcel Number 027-12-013; thence Southerly along the Westerly line of said land to the Northerly line of Puritas Avenue; thence Westerly along the Northerly line of said Puritas Avenue to the place of beginning;

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section

which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1070-09.**By Council Member Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from The Cleveland Foundation for the Public Management Development Program; and authorizing the director to enter into one or more contracts with Cleveland State University to implement the grant.

Whereas, this ordinance constitutes an emergency measure 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 apply for and accept a grant in the approximate amount of \$181,500, and any other funds that may become available during the grant term from The Cleveland Foundation to conduct the Public Management Development Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application preview for the grant contained in the file described below.

Section 2. That the application preview for the grant, File No. 1070-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Finance is authorized to enter into one or more contracts with Cleveland State University to implement the grant as described in the file.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1071-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the 2009 Byrne Justice Assistance Grant Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant; and authorizing the Director to enter into one or more contracts with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, and Parma to implement the grant.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$1,146,278, from the United States Department of Justice for the 2009 Byrne Justice Assistance Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant application package for the grant contained in the file described below.

Section 2. That the grant application package for the grant, File No. 1071-09-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Safety is authorized to enter into one or more agreements with Cuyahoga County and the Cities of Euclid, Garfield Heights, Lakewood, and Parma (the "Grant Partners") to implement the grant as described in

the file. The agreement shall, among other things, include the obligation of the Grant Partners to pay monthly fees to the City for the use of regionalized computer-aided design (CAD) equipment and services, which shall be deposited into the fund or funds determined to be appropriate by the Director of Finance.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1072-09.

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 725-09, passed June 8, 2009, relating to authorizing the Director of Public Safety to employ one or more professional consultants, software developers, or vendors to implement a records management system and authorizing standard purchase and requirement contracts necessary to implement the system.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 7 of Ordinance No. 725-09, passed June 8, 2009 is amended to read as follows:

Section 7. That the cost of the contract or contracts authorized shall be paid from Fund No. 20 SF 524, Record No. 188253.

Section 2. That existing Section 7 of Ordinance No. 725-09, passed June 8, 2009 is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1073-09.

By Council Members Pruitt and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of the Office of Equal Opportunity to enter into one or more contracts with National Economic Research Associates, Inc. dba NERA Economic Consulting for professional services necessary to de-

velop, conduct, and interpret a disparity study, including recommending and implementing accepted improvements, for a period up to one year, for the Office of Equal Opportunity.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Office of Equal Opportunity is authorized to enter into one or more contracts with National Economic Research Associates, Inc. dba NERA Economic Consulting for professional services necessary to develop, conduct, and interpret a disparity study, including recommending and implementing accepted improvements, for a period up to one year, on the basis of its proposal dated June 26, 2009, in a sum not to exceed \$758,000, for the Office of Equal Opportunity. The contract or contracts shall be paid from Fund Nos. 01-999800-632000, 60 SF 001, 52 SF 001, Request No. 164803.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1075-09.
By Council Members Conwell, Brancatelli, Dow and Sweeney (by departmental request).

An emergency ordinance to amend Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, relating to right of entry and placards posted on dwelling structures or premises to be vacated or condemned.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, are amended to read as follows:

Section 367.03 Right of Entry

Upon presentation of proper credentials the Director of Building and Housing and his duly authorized agents or inspectors or the Fire Chief or his duly authorized agents or inspectors may enter at reasonable times, or at such other times as may be necessary in an emergency, any dwelling, building,

structure or premises in the City to perform any duty imposed on him by this Housing Code or the Fire Code, provided that permission to enter is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused or is otherwise unobtainable, a search warrant shall be obtained before such entry or inspection is made, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary. No person shall in any way obstruct, hinder, delay or otherwise interfere with such entrance under this Section.

Section 367.07 Placards Posted by the Department of Building and Housing and the Division of Fire

(a) Whenever the Director of Building and Housing orders a dwelling structure or premises to be vacated or condemned under these codified ordinances, he shall cause to be posted at each entrance to the structure or premises a placard which may state, "THIS BUILDING IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING."

(b) Whenever the Fire Chief finds a vacant dwelling structure or premises to be declared condemned or it is found to be unsafe under the provisions authority, and procedures of any of these codified ordinances he may cause to be posted placards on the front of the structure or premises which comply with the following placarding requirements:

(1) *Placard location.* Placards shall be applied on the front of the structure and be visible from the street. Additional placards may be applied to the side of each entrance to the structure and on penthouses.

(2) *Placard size and color.* Placards shall be 24 inches by 24 inches (610 mm by 610 mm) in size with a red background, white reflective stripes and a white reflective border. The stripes and border shall have a 2-inch (51 mm) stroke.

(3) *Placard date.* Placards shall bear the date of their application to the building and the date of the most recent inspection.

(4) *Placard Symbols.* The design of the placards shall use symbols designated by the Fire Chief or his designee to indicate each of the following:

A. That the structure had normal structural conditions at the time of marking.

B. That the structural or interior hazards exist and interior fire-fighting or rescue operations should be conducted with extreme caution.

C. That structural or interior hazard exist to a degree that consideration should be given to limit fire fighting to exterior operations only, with entry only occurring for known life hazards.

(5) Additional detail may be posted on the placard if determined necessary by the Fire Chief.

(6) *Informational Use.* The use of these symbols and any additional detail shall be informational only and shall not in any way limit the discretion of the Fire Chief or his on-scene Officer in Charge.

(c) No person shall enter or use any structure or premises which have been placarded under this section except for the purpose of making the required repairs or demolishing the structure or premises.

(d) No person shall deface or remove any placard posted under this section until written permission is given by the Director of Building and Housing or the Fire Chief, whoever posted the placard, that the repairs have been completed or demolition is complete or the building is safe.

Section 2. That existing Sections 367.03 and 367.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 68-A-67, passed April 3, 1967, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1077-09.

By Council Member Brancatelli.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 947-09 as it pertains to the Summer Music Camp Program through the use of Ward 12 Neighborhood Capital Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Title and Section 1 of Ordinance No. 947-09 passed July 1, 2009 are hereby amended to read as follows:

Authorizing the Director of the Department of Community Development to enter into an agreement with the Slavic Village Development Corporation for the Summer Music Camp Program through the use of Ward 12 Neighborhood Capital Funds.

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement with the Slavic Village Development Corporation effective June 22, 2009 for the Summer Music Camp Program for the public purpose of providing music education for Cleveland youth through the use of Ward 12 Neighborhood Capital Funds.

Section 2. That the Title and Section 1 of Ordinance No. 947-09 passed July 1, 2009 are hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1078-09.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Progressive Arts Alliance for the RHAPSODY Summer Arts Camp through the use of Ward 13 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Community Development enter into an agreement effective August 3, 2009 with the Progressive Arts Alliance for the RHAPSODY Summer Arts Camp for the public purpose of providing educational and recreational activities to city of Cleveland youth through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1079-09.

By Council Member Dow.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Catholic Charities Community Services for the Fatima Fun and Fitness Program through the use of Ward 7 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Catholic Charities Community Services for the Fatima Fun and Fitness Program for the public purpose of providing recreational activities and programs to city of Cleveland youth through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1080-09.

By Council Member Polensek.

An emergency ordinance amending Section 1 of Ordinance No. 737-09 passed on May 18, 2009 as it pertains to authorizing the Director of the Department of Community Development to enter into an agreement with the Neighborhood Leadership Institute for the Scoop on Summer Program through the use of Ward 11 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 1 of Ordinance No. 737-09 passed May 18, 2009 is hereby amended to read as follow:

Section 1. That the Director of the Department of Community Development is authorized to enter into an agreement effective May 1, 2009 with the Neighborhood Leadership Institute for the Scoop on Summer Program for the public purpose of providing Cleveland residents a brochure of summer activities and programs taking place in the North Collinwood neighborhood through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 737-09 passed May 18, 2009 is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1081-09.

By Council Member Polensek.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Neighborhood Leadership Institute for the Community Information Project through the use of Ward 11 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of the Department of Community Development enter into an agreement with the Neighborhood Leadership Institute for the Community Information Project for the public purpose of promoting neighborhoods that are in the city of Cleveland through the use of a communitywide newsletter, through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1082-09.

By Council Member Pruitt.

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with the William E. Sanders Family Life Center for the Community Bridge Building Program through the use of Ward 1 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Aging is authorized to enter into an agreement effective July 1, 2009 with the William E. Sanders Family Life Center for the Community Bridge Building Program for the public purpose of providing social support services to senior citizens that reside in the city of Cleveland through Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$65,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1083-09.

By Council Members Sweeney and Keane.

An emergency ordinance amending Section 2 of Ordinance No. 801-09 passed June 1, 2009 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Young Audiences of Northeast Ohio, Inc., for the Garfield Elementary School Mural Program through the use of Ward(s) 20 and 21 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 2 of Ordinance No. 801-09 passed June 1, 2009 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 801-09 passed June 1, 2009 is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it

shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1084-09.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Clerk of Council to enter into an agreement or agreements with Blue Technologies, Inc. for the professional services necessary to provide a software solution to customize and implement an integrated Legislative Management System, and to provide on-going maintenance for the software and to further authorize the Clerk to enter into an agreement with Hyland Software, Inc., for web hosting services and a software license for Cleveland City Council and repealing Ordinance No. 942-09 passed July 1, 2009.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Clerk of Council is authorized to enter into an agreement or agreements with Blue Technologies, Inc. for the professional services necessary to provide a software solution to customize and implement an integrated Legislative Management System for Cleveland City Council, including, but not limited to, configuration, implementation, training, on-going maintenance and technical support, as well as consultation on future phases of software implementation.

That the Clerk is further authorized to enter into an agreement with Hyland Software Inc. for web hosting services of the software solution and a license for use of the software used to provide a legislative management solution for Council.

The terms of the agreements authorized in this section shall begin on the same effective date and shall be for one year with two one-year options to renew, exercisable by the Clerk.

The total cost of the services provided by the agreements authorized herein shall not exceed \$90,000 for the first year; the cost of a renewal term, if exercised, shall not exceed \$62,000 per year. Payment shall be made from fund numbers 632000-01-010100 and fund no 11 sub fund 006.

Section 2. That Ordinance No. 942-09, passed July 1, 2009, is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it

shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1085-09.

By Council Member Dow.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Fidelity Baptist Church to stretch banners between East 84th & East 85th and Wade Park for the period from August 1, 2009 to August 31, 2009, inclusive, publicizing their annual bazaar.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Fidelity Baptist Church to install, maintain and remove banners between East 84th and East 85th & Wade Park for the period from August 1, 2009 to August 31, 2009, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1110-09.

By Council Member Cimperman.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to John G. Dimarhos to engage in peddling in Ward 13 across from 3301 Payne Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified

Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of John G. Dimarhos to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow John G. Dimarhos to peddle in Ward 13; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances to allow John G. Dimarhos to engage in mobile peddling in the public rights of way of Ward 13 across from 3301 Payne Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1115-09.

By Council Member Brady.

An emergency ordinance authorizing and directing the director of Public Service to issue a permit to Westown Community Development Corporation to stretch banners at the southwest corner of Terminal Avenue and West 130th Street & the northwest area of West 130th Street, for the period of time from August 1, 2009 to August 31, 2009, inclusive, publicizing the Westpark Community Celebration.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Westown Community Development Corporation, to install, maintain and remove banners at the southwest corner of Terminal Avenue and West 130th Street & the north-

west area of West 130th Street & the northwest area of West 130th Street, for the period from August 1, 2009 to August 31, 2009, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as to not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banners shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1116-09.

By Council Member Wilkes.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Union Miles Development Corporation to stretch banners on East 93rd Street south of Benham Avenue and across Miles Avenue at East 111th Street, for the period from July 12, 2009 to August 17, 2009, inclusive, publicizing the "Union Miles Community Expo."

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Union Miles Development Corporation to install, maintain and remove banners on East 93rd Street south of Benham Avenue and across Miles Avenue at East 111th Street, for the period from July 12, 2009 to August 17, 2009, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and

said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1117-09.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Tremont West Development Corporation for the Arts in August Expo Program through the use of Ward 13 Neighborhood Capital Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective August 8, 2009 with the Tremont West Development Corporation for the August Expo Program for the public purpose of providing dancing and cultural education to city of Cleveland residents through the use of Ward 13 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1118-09.

By Council Member Polensek.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Sims

Raiders Youth Organization Inc. for Youth Football and Cheerleading Program through the use of Ward 11 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Parks, Properties and Recreation is authorized to enter into an agreement with the Sims Raiders Youth Organization Inc., for the Youth Football and Cheerleading Program for the public purpose of providing organized football and cheerleading activities for youth residing in the City of Cleveland through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,500 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1119-09.
By Council Member Westbrook.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Community Housing Solutions for the Furnace Repair Program through the use of Ward 18 Neighborhood Capital Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Community

Development is hereby authorized to enter into an agreement with Community Housing Solutions for the Furnace Repair Program for the public purpose of providing furnace repair assistance to low and moderate income resident that reside in the City of Cleveland through the use of Ward 18 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1156-09.
By Council Members Pruitt and Sweeney (by departmental request).
An emergency ordinance to amend Section 40 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 40 of Ordinance No. 947-08, passed June 9, 2008, is amended to read as follows:

Section 40. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. City Comptroller.....	\$42,758.15	\$133,845.38
2. City Treasurer.....	\$42,758.15	\$123,548.92
3. Chief Technology Officer.....	\$45,000.00	\$150,454.32
4. Commissioner of Accounts.....	\$40,314.82	\$128,214.57
5. Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$128,214.57
6. Commissioner of Air Quality.....	\$42,758.15	\$133,845.38
7. Commissioner of Architecture.....	\$42,758.15	\$143,360.63
8. Commissioner of Assessments and Licenses.....	\$40,314.82	\$118,350.91
9. Commissioner of Burke Airport.....	\$40,314.92	\$118,350.91
10. Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$143,360.63
11. Commissioner of Cleveland Public Power.....	\$45,201.46	\$167,171.47
12. Commissioner of Code Enforcement.....	\$42,758.15	\$133,845.38
13. Commissioner of Construction Permitting.....	\$42,758.15	\$133,845.38
14. Commissioner of Convention Center.....	\$45,201.46	\$126,903.17
15. Commissioner of Emergency Medical Services.....	\$42,758.15	\$133,845.38
16. Commissioner of Engineering and Construction.....	\$45,201.46	\$142,289.43
17. Commissioner of Environment.....	\$42,758.15	\$133,845.38
18. Commissioner of Health.....	\$45,021.46	\$142,289.43
19. Commissioner of House of Corrections.....	\$40,314.82	\$118,231.89
20. Commissioner of Information Technology & Services.....	\$52,734.82	\$142,289.43
21. Commissioner of Motor Vehicle Maintenance.....	\$40,314.82	\$128,214.57
22. Commissioner of Real Estate.....	\$40,314.82	\$118,350.91
23. Commissioner of Neighborhood Services.....	\$42,758.15	\$123,548.92
24. Commissioner of Park Maintenance and Properties.....	\$42,758.15	\$143,360.63

25.	Commissioner of Parking Facilities.....	\$40,314.82	\$128,214.57
26.	Commissioner of Printing and Reproduction.....	\$40,314.82	\$128,214.57
27.	Commissioner of Property Management.....	\$45,201.46	\$142,289.43
28.	Commissioner of Purchases and Supplies.....	\$42,758.15	\$123,548.92
29.	Commissioner of Recreation.....	\$42,758.15	\$143,360.63
30.	Commissioner of Research/Planning and Development.....	\$40,314.82	\$128,214.57
31.	Commissioner of Streets.....	\$40,314.82	\$128,214.57
32.	Commissioner of Traffic Engineering.....	\$42,758.15	\$123,548.92
33.	Commissioner of Utilities Engineering.....	\$42,758.15	\$118,350.91
34.	Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$118,350.91
35.	Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$128,214.57
36.	Commissioner of Water.....	\$45,201.46	\$167,171.47
37.	Commissioner of Water Pollution Control.....	\$40,314.82	\$128,214.57
38.	Deputy Director Department of Building and Housing.....	\$36,590.39	\$133,845.38
39.	Director of Workforce Development.....	\$70,000.00	\$160,000.00
40.	Income Tax Administrator.....	\$42,758.15	\$133,845.38
41.	Manager of Internal Audit.....	\$40,314.82	\$118,350.91

Section 2. That existing Section 40 of Ordinance No. 947-08, passed June 9, 2008, is amended.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1157-09.

By Council Members Pruitt and Sweeney (by departmental request).

An emergency ordinance Approving the terms of the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Security Officers); and amending Section 14 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the terms of the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association (Security Officers), as contained in the executive summary, placed in File No. 1157-09-A, for the period from April 1, 2007 through March 31, 2010, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

*Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That Section 14 of Ordinance No. 947-08, passed June 9, 2008, is amended to read as follows:

Section 14. Ohio Patrolmen's Benevolent Association. (Security Officers). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Security Officer.....	\$10.80	\$20.29

Section 3. That existing Section 14 of Ordinance No. 947-08, passed June 9, 2008, is repealed.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1159-09.

By Council Members Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to amend Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, relating to applying to the Northeast Ohio Area-wide Coordinating Agency for various infrastructure projects and to authorize other contracting authority to include the East 14th Streetscape to the project list; and to supplement the ordinance by adding new Section 12a. to authorize the Director of Public Service to enter into one or more contracts with URS Corporation to design the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, are amended to read as follows:

Section 1. That the Director of Public Service is authorized to apply to NOACA to pursue federal ARRA economic assistance, on behalf of the City of Cleveland, for the following projects in the following approximate amounts:

1. The Rehabilitation of Willow Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;

2. The Avenue District, Ph IV: Rehabilitation of E. 12th St. from Superior Ave. to Chester Ave., in the approximate amount of \$800,000;

3. The Rehabilitation of Center Street Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;

4. The Kamms Streetscape Improvement, Ph III: Lorain Ave. from West corporation line to W. 150th Project, in the approximate amount of \$2,200,000;

5. The Rehabilitation of Carter Lift Bridge over Cuyahoga River, in the approximate amount of \$2,500,000;

6. The Rehabilitation and Replacement of Concrete Retaining Walls at Norfolk and Southern Railroad Bridge over Madison Avenue and CSX Railroad Bridge over Nottingham Road, in the approximate amount of \$5,000,000; and

7. The East 14th Street Streetscape Improvement from Prospect Avenue to Euclid Avenue, in the approximate amount of \$2,800,000.

That the Director of Public Service has already received legislative authority to apply to NOACA to pursue federal economic assistance, which now will include federal ARRA funds, for the following projects in the following approximate amounts:

8. The Reconstruction of the "W 77th Street Bridge Project over Norfolk and Southern Railroad and GCRTA", in the approximate amount of \$884,000, as authorized by Ordinance No. 649-87, passed March 30, 1987.

9. The Reconstruction of the "Aetna Road Bridge over CSX Railroad", in the approximate amount of \$592,230, as authorized by Ordinance No. 743-08 passed June 9, 2008.

Section 20. That the cost of any contract or contracts or payments authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, any state or federal funding received under this ordinance, from the fund or funds to which are credited any grant funds or gifts received under this ordinance, and from any other funds that are appropriated for this purpose. (RL 188410)

Section 2. That existing Sections 1 and 20 of Ordinance No. 319-09, passed March 16, 2009, are repealed.

Section 3. That Ordinance No. 319-09, passed March 16, 2009 is supplemented by adding new Section 12a. to read as follows:

Section 12a. That the Director of Public Service is authorized to enter into one or more contracts with URS Corporation for professional services necessary to design the streetscape improvement of East 14th Street as authorized in Section 1 of this ordinance on the basis of its proposal dated July 27, 2009, in the sum not to exceed \$100,000, for the Department of Public Service.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1160-09.

By Council Members Cleveland, Brancatelli, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. in connection with the sale of City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. for the sale of

City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, and further described as follows:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "A" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "B" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "D" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 4

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "E" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

Parcel No. 5

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and know as being part of Original 100 Acre Lot No. 320 and bounded and described as follows:

Beginning in the centerline of Broadway S.E. at the most Northerly corner of premises conveyed by Theophilus G. Clewell and wife to Lorenz Sanda by deed dated June 5, 1890, and recorded in Volume 475, Page 508 of Cuyahoga County Records;

Thence South 52° West along the Northerly line of said land deeded to Lorenz Sanda 209 feet to the most Westerly corner thereof;

Thence Northwesterly and parallel with the centerline of Broadway S.E. 40 feet;

Thence Northeasterly and parallel with said first described course 209 feet to the centerline of Broadway S.E.;

Thence Southeasterly along the centerline of Broadway S.E. 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described above under the option at a price determined to be fair market value by the Board of Control, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the Option to Purchase Agreement shall be prepared by the Director of Law.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and

executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 5. That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleve-

land with Fast Track Cycling, Inc., for the acquisition, disposition and private redevelopment of the property described in this ordinance.

Section 6. That the proceeds from the sale of the property shall be deposited into Fund No. 10.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1162-09.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Friends of E Prep Schools to encroach into the public right-of-way above Superior Avenue and East 36th Street with 15 banners to be attached to Cleveland Public Power and First Energy utility poles (by separate permission).

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Friends of E Prep Schools ("Permittee"), 1417 East 36th Street, Cleveland, Ohio 44114, to encroach into the public right-of-way above Superior Avenue and East 36th Street by installing, using, and maintaining 15 banners to be attached to Cleveland Public Power and First Energy utility poles (by separate permission) at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
North side of Superior Ave.		
1st pole east of E. 36th St.	A6-29	CPP
2nd pole east of E. 36th St.	No Tag	CPP
3rd pole east of E. 36th St.	M16-13	CPP
4th pole east of E. 36th St.	No Tag	CPP
East 36th St. between Superior Ave. and St. Clair Ave. 1st thru 7th pole on east side of street	No Tag	First Energy
South side of St. Clair Ave.		
1st and 2nd pole west of E. 36th St.	No Tag	CPP
1st and 2nd pole east of E. 36th St.	No Tag	CPP

Section 2. That Permittee may assign the permit only with the written consent of the Director of Public Service. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1164-09.**By Council Member Cimperman.****An emergency ordinance authorizing certain persons to engage in peddling in Ward 13 (Timothy Stewart).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 13; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 13: Timothy Stewart

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1175-09.**By Council Member Brady.****An emergency ordinance amending the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 as it pertains to the Friends of the Historic Variety Theatre Restoration Project through the use of Ward 19 Neighborhood Equity Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 are hereby amended to read as follows:

Authorizing the Director of the Department of Economic Development to enter into agreement with the Friends of the Historic Variety Theatre for the Historic Variety Theatre Commercial and Residential Restoration Project through the use

of Ward 19 Neighborhood Equity Funds.

Section 1. That the Director of the Department of Economic Development is authorized to enter into an agreement with The Friends of the Historic Variety Theatre for the Variety Theatre Commercial and Residential Restoration Project for the public purpose of promoting historic preservation of a historic building and creating low to moderate income housing for city of Cleveland residents through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 945-09 passed July 1, 2009 are hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1176-09.**By Council Member Dow.****An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Famicos Foundation for the League Park Chargers Football Program through the use of Ward 7 Neighborhood Equity Funds**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Parks, Recreation and Properties is hereby authorized to enter into an agreement with Famicos Foundation for the League Park Chargers Football Program for the public purpose of providing organized youth sports football activities for city of Cleveland youth through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$4,650 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1177-09.**By Council Member Westbrook.****An emergency ordinance authorizing the Director of Community Development to enter into agreement with Park Works for the Park Arts Program through the use of Ward 18 Neighborhood Capital Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into an agreement effective July 8, 2009 with Park Works for the Park Arts Program for the public purpose of providing art and recreational education for Cleveland residents through the use of Ward 18 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 5, 2009.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

**Tuesday, August 4, 2009
10:00 a.m.**

**Mayor's Appointment Committee:
CANCELLED.**

**Wednesday, August 5, 2009
9:00 a.m.**

City Planning (Zoning) Committee:
Present: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Keane, Zone, Reed. *Authorized Absence:* Dow.

**Joint Committees
12:00 p.m.**

City Planning Committee and Legislation Committee: Present in Planning: Cimperman, Chair; Westbrook Vice Chair; Conwell, Dow, Keane, Zone. *Authorized Absence:* Reed.

Present in Legislation: Dow, Chair; Keane, Vice Chair; Cleveland, Johnson, Wilkes. *Authorized Absence:* Cloud, Reed. *Pro tempore:* Westbrook.

12:00 p.m.

Public Service Committee, City Planning Committee and Finance Committee: Present in Service: Brady, Chair; Pruitt, Vice Chair; Cleveland, Polensek, Cummins, Wilkes, Johnson, Santiago. *Authorized Absence:* Reed. *Pro tempore:* Keane.
 Present in Planning: Cimperman, Chair; Westbrook Vice Chair; Conwell, Dow, Keane, Zone. *Authorized Absence:* Reed.
 Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Miller, Polensek, Brancatelli, Cleveland, Westbrook, Mitchell, Kelley.

12:00 p.m.

Public Parks, Property and Recreation Committee and Finance Committee: Present in Parks: Johnson, Chair; Wilkes, Vice Chair; Brancatelli, Pruitt, Cummins, Kelley, Polensek.
 Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Miller, Polensek, Brancatelli, Cleveland, Westbrook, Mitchell, Kelley.

12:00 p.m.

Health and Human Services Committee, Legislation Committee and

Finance Committee: Present in Health: Cleveland, Chair; Kelley, Vice Chair; Cimperman, Santiago, Conwell, Mitchell. *Authorized Absence:* Reed.
 Present in Legislation: Dow, Chair; Keane, Vice Chair; Cleveland, Johnson, Wilkes. *Authorized Absence:* Cloud, Reed. *Pro tempore:* Santiago.
 Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Miller, Polensek, Brancatelli, Cleveland, Westbrook, Mitchell, Kelley. *Pro tempore:* Wilkes.

12:00 p.m.

Public Utilities Committee and Finance Committee: Present in Utilities: Zone, Chair; Wilkes, Polensek, Cummins, Keane, Kelley, Westbrook, Santiago. *Authorized Absence:* Reed, Vice Chair.
 Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Miller, Polensek, Brancatelli, Cleveland, Westbrook, Mitchell, Kelley.

12:00 p.m.

Aviation and Transportation Committee, City Planning Committee, Community and Economic Development Committee and Finance Committee: Present in Aviation: Kelley, Chair; Keane, Vice Chair; Westbrook, Mitchell, Dow, Cleveland.

Authorized Absence: Cloud. *Pro tempore:* Santiago.
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 Present in CDED: Brancatelli, Chair; Dow, Vice Chair; Pruitt, Cummins, Westbrook, Brady, Zone, Miller. *Authorized Absence:* Cloud. *Pro tempore:* Santiago, Wilkes.
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12:00 p.m.

Public Safety Committee and Finance Committee: Present in Safety: Conwell, Chair; Brady, Vice Chair; Mitchell, Polensek, Miller, Zone, Cummins, Pruitt, Santiago.
 Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Miller, Polensek, Brancatelli, Cleveland, Westbrook, Mitchell, Kelley.

12:00 p.m.

Finance Committee: Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Miller, Polensek, Brancatelli, Cleveland, Westbrook, Mitchell, Kelley.

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Zoning

Amend Sect(s) 1 & 2 of Ord. No. 774-09 — Holmden Ave. (north & south sides) East of West 14th St. — change Use District — City Planning Commission (Ward 13) (O 1067-09)	1487-1570
Amend Sect(s) 1,2,3,4,5 & 6 of Ord. No. 556-09 — Bellaire Rd. (between Hirst Avenue and West 130th St) — City Planning Commission (Ward 19) (O 1069-09)	1479
Bridge Ave. (northeast corner) & W. 58th St. — Change the Use District — Open Space and Recreation District — City Planning Commission (Ward 17) (O 1113-09)	1485
Clark Ave. (south side) — (between W. 13th St. & unnamed alley) — change Use District — City Planning Commission (Ward 13) (O 972-09)	1524-1569
Clinton Ave. (northeast corner) & W. 65th St. — Change the Use District — Open Space and Recreation District — City Planning Commission (Ward 17) (O 1114-09)	1486
Lee Rd. (south of) & Kollin Ave. — change Use District — City Planning Commission (Ward 01) (O 668-09)	1523-1552
Merwin St. & (west) Columbus Rd. — Change the Use District — General Industry District to a General Retail Business District — City Planning Commission (Ward 13) (O 1111-09)	1483
Miles Ave. & Judson Dr (north side) — change Use District — City Planning Commission (Ward 01) (O 667-09)	1523-1551
West 57th Street (southwest corner) & Ithaca Court — Change the Use District — Two Family Residential to Urban Garden District — City Planning Commission (Ward 17) (O 1112-09)	1484

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