

The City Record

Official Publication of the Council of the City of Cleveland



January the Twenty-Sixth, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840

First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary

Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Chief of Public Affairs – Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – _____, Manager

Real Estate – _____, Commissioner

DEPT. OF LAW – Robert J. Triozzi, Director, Barbara A. Langhenry, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Room 106; Michael Ruffing, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – _____, Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair

Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – _____, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director, Cleveland Hopkins

International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – _____, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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 COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – _____, Manager

Neighborhood Development – _____, Commissioner

Neighborhood Services – Louise V. Jackson, 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 – Lisa Marion, Director, Room 121

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council

Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer),

Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline

Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad,

Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael R.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan,

Michael Fluckinger.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin

J. Sweeney; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J.F.

Denk, Chairman; _____, Arthur Saunders, Alternate Members – D. Cox, P.

Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President;

Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jonmarie Wasik, Law Director

Robert J. Triozzi; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities

Director Barry A. Withers; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean

Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

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

Render, Genesis O. Brown.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan,

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance

Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin

Kelley.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair;

Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey,

Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert

Keiser, Secretary.

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert

J. Triozzi.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 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, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, JANUARY 26, 2011

No. 5068

CITY COUNCIL

MONDAY, JANUARY 24, 2011

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 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 24, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Minor, Chief of Public Affairs - Director of Office of Equal Opportunity, and Directors Triozzi, Dumas, Withers, Smith, Flask, Cox, Rybka, Nichols, Griffin, Brown, Fumich, Lucille Ambroz, Secretary, Civil Service, Karen Butler, Interim Director of Public Health, and Teresa Stevenson of Legislative Affairs.

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

MOTION

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

COMMUNICATIONS

File No. 110-11.
From: Clear Channel Outdoor, Inc. RE: Semiannual notification by billboard companies of certain information, pursuant to Section 350.04 of the Codified Ordinances of the City of Cleveland. Received.

File No. 111-11.
Director of Finance: Request for Publication - Chapter 196 - Parking Occupancy Tax Rules and Regulations. Received.

File No. 127-11.
From: Detroit Shoreway Community Development Organization: Request for Publication of Notice of Public Hearing. Received.

OATH OF OFFICE

File No. 112-11.
From: Karen Butler - Interim Director of the Department of Public Health of the City of Cleveland. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 113-11.
Re: #15721860001 - D5 Transfer of Ownership Application - Club Center Lounge, Inc., d.b.a. Xecutive Lounge, 1222 Prospect Avenue. (Ward 3). Received.

File No. 114-11.
Re: #4125300 - C1, C2, D6 Transfer of Ownership Application - Club Center Lounge, Inc., d.b.a. I & K Food, Inc., d.b.a. Fat Boy Sub & Food, 2131 East 79th Street. (Ward 6). Received.

File No. 115-11.
Re: #5337521 - C2, C2X Transfer of Ownership Application - Luchitas X Press, LLC, 11309 Euclid Avenue. (Ward 9). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 116-11—Sarah Elizabeth Riley Pruitt.

Res. No. 117-11—Ornie Mae Cook.

Res. No. 118-11—Charles Lawler.

Res. No. 119-11—Esther "Tea" Owens.

Res. No. 120-11—Lottie L. Larkin.

Res. No. 121-11—Donald J. McBride, Sr.

Res. No. 122-11—Bobby Hughes.

Res. No. 123-11—Ann Thompson.

Res. No. 124-11—George W. Bryant, Jr.

Res. No. 125-11—George A. Mills, Jr.

Res. No. 126-11—Scott Richardson.

Res. No. 127-11—Scott Richardson.

Res. No. 128-11—Scott Richardson.

Res. No. 129-11—Scott Richardson.

Res. No. 130-11—Scott Richardson.

Res. No. 131-11—Scott Richardson.

Res. No. 132-11—Scott Richardson.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 88-11.****By Council Member Sweeney (by departmental request).****An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.**

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 pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Department of Building and Housing – Board-up				
Burkes, Tracie	12219	\$ 216.38	Housing Inspections	01-800501-672000
Department of Public Safety– House of Corrections				
Titus, Turner	12243	\$ 175.00	City Jail	01-600701-672000
Thomas, Robert	12159	170.00	City Jail	01-600701-672000
Department of Public Safety– Fire				
Duncan, Demond	12231	\$1,427.00	Fire	01-600302-672000
Kreiger, Matthew G.	12253	500.00	Fire	01-600302-672000
Department of Public Safety– Fire Rescue				
O'Conner, Jennie	12264	\$ 146.16	Fire Rescue	01-600302-672000
Staples, Incorporated	12270	1,000.00	Fire Rescue	01-600302-672000
Department of Public Safety – Police				
TMS Enterprise	12235	\$ 500.00	Police	01-600202-672000
Jarvis, Michelle	12277	500.00	Traffic	01-600202-672000
Department of Public Health– Thomas F. McCafferty Health Center				
Leu, Melanie	12267	\$ 300.00	Clinic	01-500501-67200
Department of Public Works – Vacant Lots				
Hogue, Earl	12258	\$ 100.00	Vacant Lots	01-701205-672000
Kennedy, Clarence	12259	205.00	Vacant Lots	01-701205-672000
Mullin, Lisa	12275	250.00	Vacant Lots	01-701205-672000
Rose, Patricia	12278	332.00	Vacant Lots	01-701205-672000
Mason, Anita	12280	174.94	Vacant Lots	01-701205-672000
Department of Public Works – Urban Forestry				
Fayne, Deborah	12246	\$ 500.00	Urban Forestry	01-701204-672000
James, Thomas	12272	500.00	Urban Forestry	01-701204-672000
Crespo, Luz	12274	500.00	Urban Forestry	01-701204-672000
Graham, John R.	12281	231.31	Urban Forestry	01-701204-672000
Department of Public Works –Streets				
Majied, Shelia A.	12269	\$ 239.15	Streets	11 SF 401
Department of Public Works –Waste				
Butcher, Ronnie	12250	\$ 167.26	Waste Collection	01-400303-672000
Stask, Daniel	12263	744.00	Waste Collection	01-400303-672000
Department of Public Utilities –Water Pollution Control				
Tracy Cucuzza	4247	\$ 238.00	WPC	54 SF 001
Baran, John	5177	990.00	WPC	54 SF 001

Section 2. That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.**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.

Directors of Finance, Law; Committee on Finance.

Ord. No. 89-11.
By Council Members Kelley, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to license and/or lease certain space located in Tower City Center from Forest City Commercial Management, Inc., acting as authorized agent for Tower City Avenue, LLC, for a term of two years, with one option to renew for an additional one year period exercisable by the Director of Public Utilities, for the public purpose of relocating the Office of Sustainability to Tower City Center to be in place with other sustainability related organizations.

Whereas, the City of Cleveland requires certain space located at Tower City Center for the public purpose of relocating the Office of Sustainability to Tower City Center to be in place with other sustainability related organizations; and

Whereas, Forest City Commercial Management, Inc., acting as authorized agent for Tower City Avenue, LLC, has proposed to license and/or lease the space to the City of Cleveland; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to license and/or lease from Forest City Commercial Management, Inc., acting as authorized agent for Tower City Avenue, LLC, approximately 1700 sq. ft. located in Tower City Center.

Section 2. That the term of the lease authorized by this ordinance shall not exceed two years, with one option to renew for an additional one year period exercisable by the Director of Public Utilities.

Section 3. That the rent for the lease authorized by this ordinance shall be a rental of \$1.00, and other valuable considerations, which is determined to be fair market value by the Board of Control, exclusive of utilities.

Section 4. That the lease may authorize the City to make payment to Forest City Commercial Management, Inc., acting as authorized agent for Tower City Avenue, LLC, for improvements to the leased premises under terms to be determined by the parties to be consistent with the public purpose or purposes of relocating the Office of Sustainability to Tower City Center to be in place with other sustainability related organizations.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund No. 52 SF 001.

Section 7. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Public Utilities, 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 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

Ord. No. 90-11.
By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of East 3rd Street (99 feet wide) and Summit Avenue N.E. (80 feet wide).

Whereas, under Resolution No. 1487-09, adopted October 18, 2010, this Council declared its intention to vacate a portion of East 3rd Street (99 feet wide) and Summit Avenue N.E. (80 feet wide); and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution pursuant to Charter §176 stating that objections to the proposed street vacation could be heard before the Board of Revision of Assessments; and

Whereas, on December 17, 2010 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:

East 3rd Street (99 feet wide)
 Being all that portion of East 3rd Street (99 feet wide) extending northerly from the northerly right of way of St. Clair Avenue N.E. (99 feet wide) to its northerly terminus.

Summit Avenue N.E. (80 feet wide)
 Being all that portion of Summit Avenue N.E. (80 feet wide) extending westerly from that portion of Summit Avenue N.E. (80 feet wide) vacated by ordinance number 1276-57 passed June 10, 1957 to that portion of Summit Avenue N.E. (80 feet wide) vacated by ordinance number 911-58 passed April 21, 1958.

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 AT&T and Cleveland Public Power for street light pole removals.

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 the AT&T, Cleveland Public Power and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Manager 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 Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 91-11.
By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance designating that portion of South Marginal Road extending from East 55th Street easterly to its terminus as "Dick Goddard Way" as a secondary and honorary designation.

Whereas, it is most fitting and appropriate to recognize Dick Goddard for his years of dedicated service to the citizens of Cleveland; 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 portion of South Marginal Road extending from East 55th Street easterly to its terminus as "Dick Goddard Way" as a secondary and honorary designation.

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 on 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 Works, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 92-11.
By Council Members Pruitt, Mitchell and Sweeney (by departmental request).

An emergency ordinance to amend Sections 143.01, 143.02, 143.03, 171.03, 171.241, 171.242, and 171.37 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, to effectuate changing the name of the Department of Personnel and Human Resources to the Department of Human Resources.

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 143.01, as amended by Ordinance No. 1163-90, passed June 18, 1990,

Section 143.02, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 143.03, as amended by Ordinance No. 1163-09, passed June 18, 1990,

Section 171.03, as amended by Ordinance No. 746-06, passed June 5, 2006,

Section 171.241, as amended by Ordinance No. 1277-05, passed August 3, 2005,

Section 171.242, as amended by Ordinance No. 1278-05, passed August 3, 2005, and

Section 171.37, as amended by Ordinance No. 2461-A-85, passed October 20, 1986, are amended to read as follows:

Section 143.01 Establishment

There is established a Department of Human Resources to be controlled and administered by a Director of Human Resources subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor.

Section 143.02 Duties of the Director of Human Resources

(a) The Director of Human Resources shall establish standards of efficiency and conduct for the officers and employees in the classified service; adopt and administer a plan for the equitable and periodic measurement of such conduct and efficiency; maintain complete records of such measurements for use in determining eligibility for increases in rate of compensation, the order of lay-off and in disciplinary action, the eligibility for promotion and for the betterment of the public service; initiate, administer and coordinate the employee safety program of the City; direct the administration of claims for compensation under the provisions of law relating thereto; do and perform such other and additional duties with reference to the personnel administration of the City as may be required by the Mayor or the Council.

(b) With respect to internal equal employment programs for the City's personnel, it shall be the duty of the Director of Human Resources:

(1) To establish, monitor, administer, and coordinate for all City departments, divisions, offices, boards, and commissions equal employment opportunity and affirmative action policy, practices, standards, and programs required by Federal, State and City laws, ordinances, rules and regulations.

(2) To review and monitor personnel procedures, policies and practices of the Civil Service Commission and other departments of City government, including without limitation, appointment, wage and salary administration, testing, recruitment, and disciplinary procedures;

(3) To recommend and design programs to increase recruitment and employment by the City of minorities, women, handicapped and aged;

(4) Subject to approval of the Board of Control, the Director of Human Resources shall establish, implement and administer an internal equal employment opportunity grievance procedure for City employees, under which the Director of Human Resources shall have discretion to accept for review or reject any grievance properly filed; provided, however, that in determining whether to accept or reject such grievance the Director of Human Resources shall consider, among other things, the availability of other grievance procedures under civil service rules or applicable labor agreements;

(5) At the request of the Director of Law, to investigate charges of discrimination and grievances;

(6) To advise appropriate City officers and employees of current equal employment opportunity requirements pertinent to performance of their duties;

(7) To provide for education and training of appointing authorities, supervisory and other City employ-

ees, as appropriate, with respect to pertinent equal employment opportunity requirements and procedures; and

(8) To provide for overall supervision, coordination and evaluation of the affirmative action plan and program of the City in order to insure its effective implementation.

(c) It shall also be the duty of the Director of Human Resources:

(1) To develop and maintain contacts with community groups concerned with the rights of minorities, women, handicapped, aged and Vietnam-era or disabled veterans;

(2) To coordinate and monitor the accessibility of City-owned facilities to the handicapped;

(3) To formulate a plan of education or promote fair employment practices by employers, labor unions, employees, employment agencies and the general public to eliminate employment discrimination based on race, religion, color, sex, sexual orientation, **gender identity or expression**, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status.

(4) To confer and cooperate with and furnish technical assistance to employers, labor unions, employment agencies and other public and private agencies in formulating educational programs for the elimination of employment discrimination based on race, religion, color, sex, sexual orientation, **gender identity or expression**, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status, and in connection herewith, the Director of Human Resources may stimulate the establishment of committees in industry, labor and other areas; and

(5) To perform such other equal employment opportunity and affirmative action related duties as the Mayor may require.

(d) By February 15, the Mayor shall file the following written reports with the Clerk of Council:

(1) A report setting forth all new appointments and promotions made by the City during the preceding calendar year, together with the classification and level of compensation of the persons so appointed and promoted, and demonstrating the impact of such appointments and promotions on the City's affirmative action program and goals.

The Mayor shall also indicate as to each person appointed or promoted whether or not the person is one of those in a protected class as set forth in division (d)(1) of this section. All such information required by this division shall be separately prepared and presented by department and division. The Mayor shall notify each member of Council of the filing of the report.

(2) A report setting forth the total number of employees in each division, bureau or office and the number of employees in such divisions, bureaus or offices who are minorities or women.

(e) The Director of Human Resources shall plan, develop and implement employment opportunities and manpower development programs, welfare and social services programs, community action and anti-poverty programs; relate the activities of Federal and State agencies to the needs of the community for human resources; and coordinate all such activities and cooperate with all private and public agencies in achieving these objectives.

(f) The Director of Human Resources shall appoint, under the

civil service provisions of the Charter such assistants and clerical, stenographic and other employees as may be required for the performance of the duties of the Director's office, and shall be responsible for their supervision.

Section 143.03 Duties of the Assistant Director of Human Resources

There shall be an Assistant Director of Human Resources, who shall perform such duties as are determined by the Director of Human Resources.

Section 171.03 Employment of Health Care Professionals for Employee Examinations

The Director of Human Resources or the Civil Service Commission, through its Secretary, are authorized to employ by one or more written contracts health service professionals, including hospitals, clinics, medical providers, physicians, psychiatrists, and psychologists to conduct, on an as-needed basis, medical examinations or testing of City of Cleveland employees and applicants. The cost of the contract or contracts shall be payable from funds appropriated for this purpose.

Section 171.241 Voluntary Deductions for the Ohio Tuition Trust Authority's College Advantage Savings Plan

The Commissioner of Accounts is authorized to deduct from the salary or wages due those officers and employees of the City who have filed with the Commissioner a written request authorizing deductions for the Ohio Tuition Trust Authority's College Advantage Savings Plan, the amount specified in the authorization to be deducted at the time indicated in the authorization. The Treasurer shall transmit money so deducted to the Ohio Tuition Trust Authority, as indicated in the authorization, for and on behalf of the employee. The Director of Human Resources is authorized to enter into any necessary agreements with the Ohio Tuition Trust Authority to implement this program.

Section 171.242 Voluntary Deductions for the RTA Commuter Advantage Program

The Commissioner of Accounts is authorized to deduct from the salary or wages due those officers and employees of the City who have filed with the Commissioner a written request authorizing deductions for the RTA Commuter Advantage Program, the amount specified in the authorization to be deducted at the time indicated in the authorization, all in accordance with applicable federal regulations. The Treasurer shall transmit money so deducted to the Greater Cleveland Regional Transit Authority (GCRTA), as indicated in the authorization, for and on behalf of the employee to purchase commuter passes. This program constitutes a qualified transportation fringe benefit plan. The Director of Human Resources is authorized to enter into any necessary agreements with GCRTA to implement this program.

Section 171.37 Reimbursement of Tuition for Employee Education

(a) Any full-time officer or employee of the City may be reimbursed by the City in an amount not to exceed one thousand dollars (\$1,000) per employee per calendar year for payments he has made for tuition fees for

a course of study at an accredited university, college, high school, or continuing education program, that will assist the officer or employee and improve his ability to perform his duties.

(b) Reimbursement of tuition and fees is subject to the following conditions:

(1) The officer or employee shall have received the prior written approval of his director, or his appointing authority in the case of those employees not in a department administered by a director to attend the course of study.

(2) The officer's or employee's director, or appointing authority in the case of those employees not in a department administered by a director, shall have reported to the Mayor, his designee or the Director of **Human Resources** if the Mayor so designates that the course of study will assist the officer or employee and improve his ability to perform his duties.

(3) The officer or employee has successfully completed the course of study.

(c) Two times a year the Mayor, his designee or the Director of **Human Resources** if the Mayor so designates shall submit to Council for its review a list of the names of all individuals who received approval for tuition reimbursements.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio 1976:

Section 143.01, as amended by Ordinance No. 1163-90, passed June 18, 1990,

Section 143.02, as amended by Ordinance No. 77-94, passed March 14, 1994,

Section 143.03, as amended by Ordinance No. 1163-09, passed June 18, 1990,

Section 171.03, as amended by Ordinance No. 746-06, passed June 5, 2006,

Section 171.241, as amended by Ordinance No. 1277-05, passed August 3, 2005,

Section 171.242, as amended by Ordinance No. 1278-05, passed August 3, 2005, and

Section 171.37, as amended by Ordinance No. 2461-A-85, passed October 20, 1986, are repealed.

Section 3. That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Department of Personnel and Human Resources, the Director of Personnel and Human Resources, or the Assistant Director of Personnel and Human Resources shall be amended to read "Department of Human Resources", the "Director of Human Resources", and the "Assistant Director of Human Resources, consistent with this ordinance.

Section 4. That the Clerk of Council is authorized, when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and any amendments, to change all references to the Department of Personnel and Human Resources, the Director of Personnel and Human Resources, or the Assistant Director of Personnel and Human Resources to read "Department of Human Resources", the "Director of Human Resources", and the "Assistant Director of Human Resources, consistent with 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.

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action, and Training, Legislation, Finance.

Ord. No. 105-11.

By Council Member Cummins.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3503 Highview Avenue to Joseph McCandlish.

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

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

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

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

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

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

P. P. No. 014-03-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 18 in E. H. Foster's Allotment of a part of Original Brooklyn Township Lot No. 56. Said Sublot No. 18 has a frontage of 41.1 feet on the Southerly side of Highview Avenue, S.W. and extends back 182.40 deep on the Easterly line 191.84 feet deep on the Westerly line, and is 40 feet wide in the rear, as per plat of said Allotment recorded in Volume 14 of Maps, Page 43 of Cuyahoga County records, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such

restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 106-11.

By Council Member Mitchell.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Mt. Overlook Avenue to Johnny Woodson.

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 Johnny Woodson.

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

P. P. No. 129-05-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Original One Hundred Acre Lot No. 421 and bounded and described as follows:

Beginning at an iron pin at the intersection of the West line of said Original One Hundred Acre Lot No. 421 with the North line of Mt. Overlook Avenue. 40 feet wide, thence South 84°12'10" East, along said North line of Mt. Overlook Avenue, 174.68 feet to a drill hole at the true place of beginning of the parcel herein described:

Course #1

Thence North, 0°01'40" W., 100.51 feet to an iron pin in the south line of land conveyed to St. Anne's Maternity Hospital by deed dated June 12, 1947;

Course #2

Thence S. 84°12'10" E., along said South line 40.56 feet to an iron pin in the West line of Leisy Estates Subdivision as shown by plat recorded in Volume 70, Page 14 of Cuyahoga County Map Records.

Course #3

Thence S. 0°17'30" W., along said West line, 100.46 feet to a point in said North line of Mt. Overlook Avenue;

Course #4

Thence N. 84°12'10" West., 40.00 feet along said North line of Mt. Overlook Avenue to the place of beginning and being further known as Sublot No. 5, as shown by survey and Subdivision plat by the C.W. Cortney Engineering Company dated November 1, 1948, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 107-11.

By Council Member Pruitt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 136th Street (rear) to Kevin Billingsley.

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 Kevin Billingsley.

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

P. P. No. 138-12-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: Known as being Sublot No. 112 in Ford, Morgan and Frisbie Subdivision of part of Original One Hundred Acre Lot Nos. 470 and 462, as shown by the recorded plat in Volume 24 of Maps, Page 5 of Cuyahoga County Records and being 3521 feet front on the Easterly side of East 136th Street, and extending back 125 feet on the Southerly line, 125 feet on the Northerly line, which is also the Southerly line of Harvard Avenue and having a rear line of 35.21 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 108-11.

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

An emergency ordinance to change all references contained in the Codified Ordinances of Cleveland, Ohio, 1976, from the "Commissioner of Engineering and Construction" to the "Manager of Engineering and Construction"; and to change references in specific chapters of the codified ordinances from "Director of Public Service" to the "Director of Capital Projects."

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 any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the "Commissioner of Engineering and Construction" shall be amended to read "Manager of Engineering and Construction, consistent with Ordinance No. 1332-10, passed November 22, 2010.

Section 2. That any references contained in Chapters 307, 411, 501, 503, 505, 507, 508, 510, 511, 512, 513, 515, 631, 675, and 680 of the Codified Ordinances of Cleveland, Ohio, 1976, to the "Director of Public Service" shall be amended to read "Director of Capital Projects."

Section 3. That the Clerk of Council is authorized, when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and any amendments, to change all references from the "Commissioner of Engineering and Construction" to the "Manager of Engineering and Construction"; and is further authorized to change all references in Chapters 307, 411, 501, 503, 505, 507, 508, 510, 511, 512, 513, 515, 631, 675, and 680 of the Codified Ordinances of Cleveland, Ohio, 1976, from the "Director of Public Service" to the "Director of Capital Projects."

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 Capital Projects, Law; Committees on Public Service, Legislation, Finance.

Ord. No. 109-11.

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

An emergency ordinance to amend Section 121.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, relating to Offices Considered Departments.

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 121.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is amended as follows:

Section 121.01 Offices Considered Departments

For the purposes of the general provisions of the Charter and ordinances of the City, the Municipal Court, Council, office of the Mayor, office of the Clerk of Council, Sinking Fund Commission, City Planning Commission, Office of Capital Projects, and the Board of Revision of Assessments shall be treated and construed as being departments of the City government, in addition to the administrative departments under charge of the Mayor, as established by the Charter or ordinances of the City.

Section 2. That existing Section 121.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is repealed.

Section 3. That the Director of Capital Projects is authorized to enter into contracts and perform any acts under an ordinance passed by this Council that gives such authority to

the Director of Public Service, specifically including public improvements, right-of-way management, encroachments upon the public highways, and street dedications.

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 Capital Projects, Law; Committees on Public Service, Legislation, Finance.

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 101-11.

By Council Member Miller.

An emergency resolution supporting House Bill No. 4 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to eliminate the financial responsibility random verification program of the Bureau of Motor Vehicles.

Whereas, House Bill No. 4 introduced on January 11, 2011 by Representative Matt Huffman (R) would amend the Ohio Revised Code to eliminate the financial responsibility random verification program of the Bureau of Motor Vehicles; and

Whereas, current law requires that a person be able to verify the person's ability to pay for damages for liability that come from the ownership, maintenance, or use of a motor vehicle; and

Whereas, the ability to provide this verification is called proof of financial responsibility and is usually accomplished through providing proof of motor vehicle liability insurance coverage; and

Whereas, under current law, any person operating a motor vehicle in Ohio or permitting another to operate the person's motor vehicle in Ohio may be required to provide that proof of financial responsibility under the following circumstances:

- Involvement in a traffic accident requiring the filing of an accident report;

- Receipt of a traffic ticket indication that proof of financial responsibility was not produced upon the request of a peace officer or State Highway Patrol trooper; and

- Whenever the person is randomly selected by the Registrar and requested to provide verification under the random verification program; and

Whereas, failure to maintain proof of financial responsibility results in two civil penalties:

- suspension of operating privileges and impoundment of driver's license, and

- suspension of vehicle registration and impoundment of certificate of registration; and

Whereas, current law requires the Registrar to establish the random verification program by rule, but House Bill No. 4 would repeal this program; and

Whereas, with the looming state budget hole, eliminating the random verification program would save the State of Ohio \$800,000; and

Whereas, all other requirements of proof of financial responsibility remain unchanged; 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 House Bill No. 4 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to eliminate the financial responsibility random verification program of the Bureau of Motor Vehicles.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Representative Huffman, the 129th Ohio General Assembly and Mayor Jackson.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 93-11.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 1628-38 Fall Street and repealing Resolution No. 1080-10, objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 1628-38 Fall Street by Resolution No. 1080-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Frank D. Maenza, DBA Diamonds Men's Club, 1628-38 Fall Street, Cleveland, Ohio 44113, Permanent Number 5416875 be and the same is hereby withdrawn and Resolution No. 1080-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 94-11.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A, and D6 Liquor Permit at 1616 West 25th Street and repealing Resolution No. 1087-10, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 1616 West 25th Street by Resolution No. 1087-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to 1616 Arabic Restaurant, Inc., DBA Kan Zaman, 1616 West 25th Street, Cleveland, Ohio 44113, Permanent Number 6548374 be and the same is hereby withdrawn and Resolution No. 1087-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 95-11.

By Council Member Cleveland.

An emergency resolution objecting to the transfer of a Liquor License of a C2 Liquor Permit to 6206 Woodland Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 Liquor Permit from Donya Kareem, Inc., DBA Quick Stop, 1054 East 71st Street, 1st floor front, Cleveland, Ohio 44103, Permanent Number 2260087 to Woodland Supermarket, Inc., DBA Woodland Supermarket, 6206 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 9761591; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C2 Liquor Permit from Donya Kareem, Inc., DBA Quick Stop, 1054 East 71st Street, 1st floor front, Cleveland, Ohio 44103, Permanent Number 2260087 to Woodland Supermarket, Inc., DBA Woodland Supermarket, 6206 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 9761591, 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 96-11.

By Council Member Cleveland.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff road, and repealing Resolution No. 1124-10, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 5351-53 Dolloff Road by Resolution No. 1124-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Your Place & Mine, LLC, DBA Your Place & Mine, 5351-53 Dolloff Road, P.O. Box 27544, Cleveland, Ohio 44127, Permanent Number 9862110 be and the same is hereby withdrawn and Resolution No. 1093-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 97-11.

By Council Member Polensek.

An emergency resolution objecting to a New D5J Liquor Permit at 15617 Waterloo Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New D5J Liquor Permit at Kenneth Davis, DBA Habor Pub, 15617 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 1970756; 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 D5J Liquor Permit at Kenneth Davis, DBA Habor Pub, 15617 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 1970756; 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 98-11.

By Council Member Pruitt.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3A, and D6 Liquor Permit at 14731 Miles Avenue and repealing Resolution No. 1071-10, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3, D3A and D6 Liquor Permit to 14731 Miles Avenue by Resolution No. 1071-10 adopted by the Council on August 18, 2010; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal pursuant to "Cleveland City Council agrees to withdraw this objection because there is an appeal pending before the Liquor Control Commission relating to the 2009-10 renewal, wherein the Division of Liquor Control upheld the City Council objection and that matter has not been heard by the Commission as of yet. The parties have agreed that evidence from the 2010-11 renewal period is also admissible during the hearing before the Commission when it is scheduled;" 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 D2, D2X, D3, D3A and D6 Liquor Permit to TT & B, Inc., DBA Atmosphere Bar & Grill, 14731 Miles Avenue, Cleveland, Ohio 44128, Permanent Number 8774196 be and the same is hereby withdrawn and Resolution No. 1071-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 99-11.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3661 East 93rd Street and repealing Resolution No. 1093-10, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3661 East 93rd Street by Resolution No. 1093-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 93 Aetna, Inc., 3661 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 6424592 be and the same is hereby withdrawn and Resolution No. 1093-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 100-11.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a D4 Liquor Permit at 4595 Turney Road, and repealing Resolution No. 1103-10, objecting to said renewal.

Whereas, this Council objected to a D4 Liquor Permit to 4595 Turney Road by Resolution No. 1103-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D4 Liquor Permit to Old Timers Club of Garfield Heights, Inc., 4595 Turney Road, Cleveland, Ohio 44105, Permanent Number 6530213 be and the same is hereby withdrawn and Resolution No. 1572-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 102-11.

By Council Members Conwell and Cummins.

An emergency resolution urging the Ohio General Assembly to adequately fund behavioral health services in Ohio and further urging the Ohio Department of Mental Health to avoid reducing funding to the Alcohol, Drug Addiction & Mental Health Services Board of Cuyahoga County in the 408 Funding Formula for FY 2012.

Whereas, the residents of Cuyahoga County can live healthier lives with access to quality mental health, alcohol, drug and other prevention, treatment and support services; and

Whereas, 2 out of 3 Ohioans are impacted by a friend or family member with a mental illness or substance abuse problem; and

Whereas, behavioral health care, as treatment of mental illness and addiction goes hand in hand with traditional health care, which is the treatment of the body; thus behavioral health care is health care; and

Whereas, State general revenue funds for community-based mental health and substance abuse services in Ohio were cut disproportionately in the last biennial budget; and

Whereas, an increasing number of County Boards, like the Alcohol, Drug Addiction & Mental Health Services Board of Cuyahoga County (ADAMHS) are unable to meet the Medicaid match for behavioral health services within the existing Medicaid population; and

Whereas, ADAMHS is able to provide service to fewer and fewer severely mentally ill and addicted non-Medicaid eligible clients due to the continued erosion of the behavioral health safety net; and

Whereas, in reviewing the 408 allocation formula, the Ohio Department of Mental Health (ODMH) is looking to reallocate distribution of state funds in a way that would drastically reduce funding to community boards such as ADAMHS; and

Whereas, full implementation of the proposed reallocation would mean that funding to ADAMHS for community mental health services would be reduced by 50%, leaving thousands of people without mental health services, causing 240 consumers to lose supported housing, reducing availability of suicide prevention and other mental health crisis services, and losing more than 450 jobs in the behavioral health field; and

Whereas, this Council agrees with the ADAMHS, the Ohio Association of County Behavioral Health Authorities and the Ohio Council of Behavioral Health & Family Services Providers that budget line items 408, 505 and 401 remain fully funded with dollars being allocated to these Boards for services in the community; and agrees with the recommendation that the Community Behavioral Health Medicaid match be funded from the Ohio Department of Jobs and Family Services 525 line; and

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

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

Section 1. That this Council hereby urges the Ohio General Assembly to

adequately fund behavioral health services in Ohio and further urges the Ohio Department of Mental Health to avoid reducing funding to the Alcohol, Drug Addiction & Mental Health Services Board of Cuyahoga County in the 408 Funding Formula for FY 2012.

Section 2. That the Clerk of Council is hereby directed to forward a copy of this resolution to Governor John Kasich; Tracy Plouck, Director of ODMH; Orman Hall, Director of ODADAS; Cheri Walter, CEO of the Ohio Association of County Behavioral Health Authorities and each member of the Cuyahoga County delegation in the Ohio House and Senate.

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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 103-11.

By Council Members Miller, Cummins and J. Johnson.

An emergency resolution opposing House Bill No. 3 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after January 1, 2011.

Whereas, House Bill No. 3 introduced on January 11, 2011 by Representatives Cheryl L. Grossman (R) and Jay Hottinger (R) would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after January 1, 2011; and

Whereas, the estate tax helps address the imbalance of wealth by taxing the wealthy; and

Whereas, currently Ohio levies an estate tax of up to 7 percent on the net value of an estate before its assets are transferred to anyone else, but Ohio doesn't collect tax on an estate unless its net taxable value is greater than \$338,333, according to the Taxation Department; and

Whereas, the Census Bureau reports that Ohio's 2009 median family income was about \$57,000 - and the median value of an Ohio owner-occupied housing unit about \$135,000; and

Whereas, Ohio taxed only about 8,000 estates in the 12 months that ended in June 2009, though about 110,000 Ohioans - albeit of all ages and financial circumstances - died in calendar 2008; and

Whereas, abolishing the estate tax would hurt local municipalities that receive about 80 percent of estate tax revenue - about \$270 million in fiscal year 2009; and

Whereas, with 80 cents of every \$1 Ohio collects in estate tax being returned to the city, village or township where the dead person lived, in 2008, for example \$5.4 million went to Cleveland, \$2.3 million to Cleveland Heights, \$9.2 million to Columbus, \$2 million to Upper Arlington, \$785,000 to Dayton, \$3.6 million to Kettering, \$1.5 million each to Springfield and Hamilton, and \$911,000 to Mason; and

Whereas, Representative Mike Foley, a Democrat from Cleveland, is concerned that without the estate tax, local governments will be forced to cut services and raise taxes on their own citizens to make up for the shortfall; and

Whereas, Ohio Municipal League Deputy Director John Mahoney said that municipalities would like to see some source of revenue that would make up for that money if the state chooses to repeal the estate tax; 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 opposes House Bill No. 3 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after January 1, 2011.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Representatives Grossman and Hottinger, the 129th Ohio General Assembly and Mayor Jackson.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 104-11.
By Council Members Reed, J. Johnson, Brady, Cleveland and Cummins.

An emergency resolution urging Governor Kasich to reconsider his stance on diversity and seek qualified minorities to fill open state government positions.

Whereas, Governor Kasich has assembled a cabinet devoid of racial and ethnic diversity; and

Whereas, the last time an Ohio governor's cabinet had no people of color was 1962; and

Whereas, today Ohio's population is 15% minority; and

Whereas, Ohio's Latino community is at 320,000; Ohio's African-American population is 1.4 million; 60% of Asian Americans in Ohio hold college degrees; and

Whereas, this Council believes that the governor's hires should reflect the diversity of the state's population; and

Whereas, if the Governor's cabinet is not diverse, at the very least the Governor should look to minorities when appointing positions to commissions, directorships and other state government jobs; and

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

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

Section 1. That this Council hereby urges Governor Kasich to reconsider his stance on diversity and seek qualified minorities to fill open state government positions.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Governor John Kasich, the Speaker of the Ohio House, the Ohio House Minority Leader, the President of the Ohio Senate, the Minority Leader of the Ohio Senate, the Ohio Legislative Black Caucus, the Hispanic Roundtable, the SCLC of Cleveland, both the local and state chapters of the NAACP, the Urban League, the LGBT Community Center of Greater Cleveland, the Greater Cleveland Partnership and the Ohio Asian American Coalition.

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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 1601-10.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more amendments to various contracts with United Air Lines, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., and Southwest Airlines, to make changes in their leased spaces at Cleveland Hopkins International Airport.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1603-10.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69064 with Kone, Inc. for labor, equipment, and materials necessary for parts necessary to maintain and repair Kone elevators, escalators and moving walkways, including labor if necessary for the Division of Cleveland Hopkins International Airport.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1604-10.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69128 with Standard Signs, Inc. for airfield signage and

installation and labor and materials to maintain and repair new and existing signage, for the Department of Port Control.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1614-10.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants or one or more firms of consultants necessary to provide and install a PMJ settlement system, including but not limited to training, implementation, technical support, and maintenance; authorizing the Director to acquire one or more software licenses; and authorizing the purchase by one or more contracts of system equipment, including but not limited to hardware, software, ancillary systems, and related equipment, supplies and services, including maintenance, for the Division of 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, line 5; and in Section 1, line 8, strike "PMJ" and insert "PJM".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 1625-10.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to acquire licenses and provide a backup SCADA control center at the East Side Service Center, including installing, implementing, integrating, interfacing, testing, and training, and for maintenance, technical support, and other related issues for a period up to two years; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of computer hardware, software, and other materials, equipment, supplies, services, maintenance and technical support, for the Division of 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.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1633-10.

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

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 69353 with Petty Group, LLC for the Henninger

Avenue sewer replacement, for the Department of Public Utilities.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 7-11.

By Council Members Keane and Sweeney (by departmental request)

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69948 with AirNet Systems, Inc. to provide for the lease of space to be used for flight planning and as a layover rest area for flight crews at Burke Lakefront Airport.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

MOTION

By Council Member Pruitt, seconded by Council Member Cimperman and unanimously carried that the absence of Council Member Anthony Brancatelli be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:35 p.m. to meet on Monday, January 31, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 19, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 19, 2011, at 10:44 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Dumas and Cox.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Natoya Walker-Minor, Director, Office of Equal Opportunity.

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

Resolution No. 21-11.

By Director Withers.

Whereas, under the authority of Ordinance No. 984-07, passed by the City of Cleveland Council on August 8, 2007, the City of Cleveland, through the Director of Public Utilities, entered into an agreement with Ventyx, City Contract No. 67844, for professional services necessary to maintain the Ventyx Customer Suite, Service Suite and Asset Suite software, including new releases, patches and fixes, technical support and product research and improvement for the one-year period stating August 1, 2008, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, under the authority of Section 181.102 of the Codified Ordinances of Cleveland Ohio, 1976, ("C.O."), Resolutions No. 27-10 and No. 444-10, respectively adopted by this Board of Control on January 27 and October 27, 2010, fixed the compensation for professional services to be performed under the first modification (numbered as PS2010*61) to City Contract No. 67844 and the second modification, as necessary to maintain the Ventyx software system for the one-year periods starting August 1, 2009 and August 1, 2010, respectively, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, in Resolution No. 444-10, the compensation to be paid for services under the second modification was incorrectly stated as fixed at \$148,026.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 444-10, adopted by this Board on October 27, 2010, is amended by changing "\$148,026.00" to "\$148,426.00", where appearing.

Be it further resolved, that all other provisions of Resolution No. 444-10 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Cox.

Resolution No. 22-11.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Interstate Safety & Service Co., Inc. under the requirement contract authorized by Board of Control Resolution No. 409-10, adopted September 29, 2010, and Section 129.29 of the Codified Ordinances of Cleveland, Ohio, 1976, for disposal of catch basin debris, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

Subcontractor	CSB/MBE/FBE Work
Midland Concrete & Sand	CSB \$85,920.00 (20.00%)

Yeas: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Cox.

Resolution No. 23-11.

By Director Withers.

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

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

Whereas, the Citywide Geographic Information System runs on the Accela, Inc. software platform and, support maintenance and licenses must be renewed annually for proper use and support of the citywide GIS software and applications; and

Whereas, under the authority of Ordinance No. 856-08, passed by the Council of the City of Cleveland on June 9, 2008, the City entered into a contract with Accela, Inc., City Contract No. PS2010-118, to obtain professional services necessary for annual software renewal and support and maintenance for the citywide GIS software and applications, for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a one-year agreement with Accela, Inc. starting January 1, 2011 through December 31, 2011, to continue to obtain the professional services necessary for annual software renewal and support and maintenance for the citywide GIS software and applications under Contract No. PS2010-118; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid for maintenance and support services to be performed under the contract with Accela, Inc. for the one-year term starting January 1, 2011, under the authority of division (d) of Section 181.102 C.O., shall not exceed \$134,336.12.

Yeas: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Cox.

Resolution No. 24-11.

By Director Withers.

Whereas, under the authority of Ordinance No. 1541-09, passed by the Council of the City of Cleveland on December 7, 2009, and Board of Control Resolution No. 149-10, adopted April 21, 2010, the Director of Public Utilities, entered into City Contract No. CT-2002-PI2010*21 with Utilicon Corp. for the public improvement of cleaning and cement mortar lining of distribution mains in area 2010-A in the amount of \$2,992,869.00, for the Division of Water, Department of Public Utilities; and

Whereas, by its November 16, 2010 letter, Utilicon Corp. requested the City's approval for additional subcontractors; now, therefore,

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

<u>Subcontractor</u>	<u>Work Percentage</u>
Midtown Trucking Company (CSB/MBE)	\$21,588.00 0.721%
Precon Video Services, LLC (CSB/FBE)	\$ 5,550.00 0.185%

Yeas: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson, Directors Dumas and Cox.

Resolution No. 25-11.

By Director Smith.
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 499-10, as amended by Ordinance No. 1624-10, passed by the Council of the City of Cleveland on June 7, 2010 and December 6, 2010, respectively, the firm of Michael Baker Jr., Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to comply with local, state and federal environmental requirements necessary to maintain operating status at Cleveland Hopkins International Airport, Burke Lakefront Airport and the Division of Harbors, for the Department of Port Control, for a period of one year.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Michael Baker Jr., Inc. for the above-mentioned services, based upon its proposal dated October 12, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation to Michael Baker Jr., Inc. for the services authorized shall not exceed \$200,000.00 and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Michael Baker Jr., Inc. is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Solar Testing Laboratories, Inc.	11.24% CSB \$22,490.00
Conservation Science, LLC	20.71% Non CSB/MBE/FBE \$41,434.00
GSP/OH, Inc.	15.45% Non CSB/MBE/FBE \$30,910.00

Yeas: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas and Cox.

Resolution No. 26-11.

By Director Smith.
Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 401-09, passed by the Council of the City of Cleveland on May 4, 2009, Gregory C. Rigamer & Associates, Inc. ("GCR") ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to provide software solutions necessary to manage, administer and track City-owned leased and owned properties, for the various divisions of the Department of Port Control, for a period of one year.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Gregory C. Rigamer & Associates, Inc. for the above-mentioned services, based upon its proposal dated June 25, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation to Gregory C. Rigamer & Associates, Inc. for the services authorized shall not exceed \$174,990.00 and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultant by Gregory C. Rigamer & Associates, Inc. is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Devore Technologies, Inc.	17.71% CSB/MBE \$31,000.00

Yeas: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson, Directors Dumas and Cox.

Resolution No. 27-11.

By Director Rush.
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 508-10, passed by the Council of the City of Cleveland on May 10, 2010, the Graddic Company is selected from a list of firms determined after a full and complete canvass by the Director of Community Development as the firm to be employed by contract to perform the professional services necessary to conduct HOME/Uniform Relocation Act (URA) Program Property Standards, Decent, Safe and Sanitary Dwelling Inspections of units previously completed under a Housing and Urban Development (HUD) Program, for the Division of Administrative Services, Department of Community Development.

Be it further resolved that the Director of Community Development

is authorized to enter into contract with the Graddic Company, based on its proposal dated November 15, 2010, 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 \$79,225.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Triozzi, Withers, R. Smith, Acting Director Butler, Directors Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas and Cox.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 7, 2011

9:30 A.M.

Calendar No. 10-263: 10500 Quincy Avenue (Ward 6)

JCC Miles, owner, appeals for a change of use from a car wash to a use for storage of construction materials on a corner acreage parcel in a General Industry District; subject to the limitations in Section 345.04(b)(15) that prohibits rock crushing as the main or primary use of the premises ad permitted only as use accessory or incidental to a permitted use provided it is approved by the Board of Zoning Appeals through a Special Permit granted in accordance with the standards of division (c) of this section; and pursuant to Section 347.05 no space for

storage or distribution of coal, cinders, stone, slag, sand, cement, lime, iron ore or similar dust-producing material, and no space for manufacturing, refining or mixing tar, asphalt or other similar binding or waterproofing material shall be located less than 300 feet from a Residence District, Local Retail or General Retail Business Districts, except where the dust, smoke, odor, noise and vibration therefrom will effectively be confined to the premises; and a minimum 7 foot high solid fence is required along the perimeter of the proposed use in the provisions of Section 345.04(a)(3) of the Cleveland Codified Ordinances.

Calendar No. 10-264: 4667 State Road (Ward 13)

Steve Borovica aka Al's Properties LLC, owner, appeals to add a nuisance animal removal contractor business to the rear of an existing nonconforming commercial drapery repair business, including a new wooden 8' x 10' shed for materials and animal storage, and storage and parking of contractor vehicles and trailers on 54.74' x 158.94' corner lot in a C1 Local Retail Business District contrary to Section 343.01(b) and first permitted in a Semi-Industry District; no landscaping strip exists where the lot abuts a residential district and provisions in Sections 352.08 through 12 require one that's 10 feet wide and provides a 75 percent year round opacity. An unscreened dumpster/trash area occupies the required landscape area and pursuant to Section 349.07(b) pavement markings and bumper guards are required for off-street parking spaces.

Calendar No. 10-268: 4512 Pearl Road (Ward 13)

Yuriy Vereshchagin, owner, appeals to establish a martial arts studio/sports or recreational use in an existing building located on a 52.97' x 196.42' corner parcel in a C1 Local Retail Business District; subject to the limitations of Section 343.01 the use proposed is not permitted and first allowed in a General Retail District, provided that it is separated not less than 500 feet from a residential district or a day care center, a kindergarten, elementary or secondary school, a public library, a church, a playground, a public or nonprofit recreation center or community center, pursuant to Section 347.12(a)(1) of the Cleveland Codified Ordinances.

Calendar No. 10-270: 4506 West 156th Street (Ward 18)

Stella Kundick, owner, appeals to erect a 3.4' x 40' L-shaped wooden wheelchair ramp on a 90' x 95' corner parcel in an A1 One-Family District, where the proposed encroachment is not permitted according to the yard space requirements and Section 357.13 of the Cleveland Codified Ordinances.

Calendar No. 10-271: 2210 Oak Park Avenue (Ward 13)

Leonard Pessler, owner, appeals to erect two (2) 5' x 5' landings and one (1) 12 foot modular wheelchair ramp on a 40' x 125.24' parcel in a B1 Two-Family District and the proposed encroachment is not permitted in the yard space requirements according to Section 357.13 of the Cleveland Codified Ordinances.

Calendar No. 10-272: 2238 East 80th Street (Ward 6)

Charles Maultsby, owner appeals to erect a 5' x 5' pre-manufactured wheelchair lift on a 40' x 102' parcel in a B1 Two-Family District, contrary to Section 357.13 and the provisions for yard space requirements in the City of Cleveland Zoning Code.

Calendar No. 10-273: 2174 East 35th Street (Ward 5)

Carolyn Davis, owner, appeals to erect a 5' x 21' wooden wheelchair ramp on a 40' x 120' parcel in a C1 Multi-Family District, contrary to the provisions for yard space requirements in Section 357.13 of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, JANUARY 24, 2011

At the meeting of the Board of Zoning Appeals on Monday, January 24, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-252: 2014 West 53rd Street

West 53rd Street LLC and Nadia Hutchins appealed to change use from a machine shop to a photography studio and gallery on the first floor and a dwelling unit on the second floor in a Local Retail and General Retail Business District.

Calendar No. 10-253: 690 East 156th Street

The Diocese of Cleveland, St. Mary's Church and Father John Kumse appealed to install 154 linear feet of 6 feet high ornamental fence on a parcel in a Local Retail business District.

Calendar No. 10-254: 695 East 155th Street

The Diocese of Cleveland, St. Mary's Church and Father John Kumse appealed to install 213 linear feet of 6 feet high ornamental fence on a parcel in a Local Retail business District.

Calendar No. 10-256: 2137-39 West 6th Street

Oscar F. Villarreal, owner, and Joe Chura, prospective purchaser, appealed to erect a three-story frame dwelling in a Multi-Family District; subject to lot consolidation and reconfiguration.

Calendar No. 10-244: 4043 St. Clair Avenue

Wai Hung Ltd. Liability and Man Hang Tang, owner, and Maurice Blue, tenant, appealed to establish a tattoo parlor in a Residence Industry District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 10-230: 4210 Franklin Boulevard

Fred Pessler appealed from the decision of the Deputy Director of the Cleveland Department of Building and Housing regarding a Certificate of Occupancy issued October 22, 2010.

The following appeal was **Withdrawn:**

Calendar No. 10-213: 4051 St. Clair Avenue

Broma Information Technology Ltd., owner, and Maurice Wynn, lessee, appealed to change use from an indoor theater to a bar with entertainment in a Residence Industry District.

The following appeals were **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 10-251: 2606 Martin Luther King postponed to February 28, 2011.

The following appeal scheduled for January 31, 2011 was **Postponed:**

Calendar No. 10-262: 1301 East 9th Street postponed to February 22, 2011.

The following appeals heard by the Board on January 18, 2011 were adopted and approved on January 24, 2011.

The following appeals were **Approved:**

Calendar No. 10-229: 1365 West 65th Street

Jill Davis appealed to change use from a store to a restaurant in a Local Retail Business District.

Calendar No. 10-237: 9515 Woodland Avenue

Independence Excavating, Inc. appealed for a change of use for stockpiling of various construction materials, storage and processing of recycled material that includes rock crushing in a General Industry District; subject to conditions.

Calendar No. 10-238: 9521 Woodland Avenue

Eaton Park Leasing, Inc. appealed for a change of use for stockpiling of various construction materials, storage and processing of recycled material that includes rock crushing in a General Industry District; subject to conditions.

Calendar No. 10-239: 9525 Woodland Avenue

Eaton Park Leasing, Inc. appealed for a change of use for stockpiling of various construction materials, storage and processing of recycled material that includes rock crushing in a General Industry District; subject to conditions.

The following appeal heard by the Board on December 20, 2010 was adopted and approved on January 24, 2011.

The following appeal was **Approved:**

Calendar No. 10-248: 4353 West 145th Street

Carol Cianci appealed to erect a U-Shaped wheelchair ramp at the front of a single family dwelling in a One-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of January 19, 2011

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

* * *

Docket A-200-10.

RE: Appeal of Delcenia V. Acoff, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 918 East 130th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and in the absence of the ability or the plans to rehabilitate the property, the appeal is DENIED for additional time. The property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-214-10.

RE: Appeal of Glori Gonsalves, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two & One-half Story Masonry Walls/Wood Floors Property located on the premises known as 895 East 105th Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated May 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to submit plans to the Building Department and obtain the required permits, and six (6) months in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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Docket A-222-10.

RE: Appeal of Bank of America/Countrywide, Mortgagee of Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 10417 Crestwood Avenue from a NOTICE OF VIOLATION—

EXTERIOR MAINTENANCE, dated July 16, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the appeal and find that the bank is not the responsible party, noting the comments by the Department of Building and Housing and the Law Department representatives. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Saunders, Bradley, Sullivan. Nays: None. Not Voting: Mr. Saab. Absent: Mr. Gallagher.

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Docket A-224-10.

RE: Appeal of Dezi D. Dorsey, Owner of Three Dwelling Units Three-Family Residence Two Story Frame Property located on the premises known as 7311 Colgate Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 6, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations, with additional time granted for satisfactory progress or intended progress. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan.

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

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Docket A-225-10.

RE: Appeal of Neil Clough, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property located on the premises known as 7901 Neville Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-225-10 has been WITHDRAWN at the request of the Appellant.

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Docket A-227-10.

RE: Appeal of Elsie Hornsby, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3560 East 117th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, noting the condition of the property and the future prospects, a motion is in order at this time to DENY the request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order.

Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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Docket A-230-10.

RE: Appeal of Rehab Investments, LP C/O Larry Burchett, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property and One Story Garage - Detached; Wood Frame Property located on the premises known as 3196 East 119th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated April 30, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal for additional time and to REMAND the property at 3196 East 119th Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

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Docket A-231-10.

RE: Appeal of Aetna Builders LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3241 East 126th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 23, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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Docket A-233-10.

RE: Appeal of Michael Richards, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 3155 West 111th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 11, 2011 in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bradley.

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

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Docket A-234-10.

RE: Appeal of Thomas Carey, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 12732 Bellaire Road from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated April 29, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-234-10 has been WITHDRAWN at the request of the Appellant.

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Docket A-235-10.

RE: Appeal of Greater Cleveland Regional Transit Authority, Owner of the F-2 Factory - Low Hazard (Non-combustibles) KIND Semi-Industry High-Rise Building located on the premises known as 6611 Euclid Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 11, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one (1) year in which to market the property under the conditions that they were cited, with the condition that an engineers report from the Appellant be presented to the City and to the Board indicating how the property is to be maintained safe and how it is safe at this time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Bradley and seconded by Mr. Saunders.

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

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Docket A-247-10.

RE: Appeal of Maxey Mamie C/O Theresa Warren, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 1110 East 141st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-247-10 has been WITHDRAWN at the request of the Appellant.

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Docket A-249-10.

RE: Appeal of Charlestine Cummings, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3655 East Boulevard from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 28, 2010 of the Director of the Department of

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

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 2011 in which to complete abatement of the violations, noting that an addition is planned and noting that the Appellant has agreed to seal off access to the area where the steps were removed. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-254-10.

RE: Appeal of Betty Benton, Owner of Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 8204 Golden Avenue from a NOTICE OF VIOLATION — GENERAL MAINTENANCE, dated March 19, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations; the property must remain secured and the grounds debris free during that period of time, and permits for all work must be secured. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

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Docket A-356-10.

RE: Appeal of Betty Benton, Owner of Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 8204 Golden Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations; the property must remain secured and the grounds debris free during that period of time, and permits for all work must be secured. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

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Docket A-429-10.

RE: Appeal of Wael Salem, Owner of Property located on the premises known as 3837 Ridge Road from an ADJUDICATION ORDER, dated April 28, 2010 of the Director of the

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

No action this date; the docket is rescheduled for February 2, 2011.

* * *

Docket A-440-10.

RE: Appeal of Mike Nelson, Owner of Property located on the premises known as 6816 Superior Avenue from an ADJUDICATION ORDER, dated October 13, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to install a sprinkler system for the occupancy of the area behind the firewall, the south area of the building, and that the dining area of the building occupancy is to be limited to less than one hundred (100) people, and to require that a Fire Watch be maintained in that area during hours of occupancy. The second floor is to remain unoccupied. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-442-10.

RE: Appeal of Centermark Development, Owner of Property located on the premises known as 18235 Euclid Avenue from an ADJUDICATION ORDER, dated October 28, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance requirement for a sprinkler system with the posted and agreed upon occupancy of fifty (50) occupants. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saab.

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

* * *

Docket A-4-11.

RE: Appeal of AJ&N, Inc. C/O Anthony Schilero, Owner of Property located on the premises known as 19800 S. Waterloo Road from an ADJUDICATION ORDER, dated October 5, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the sprinkler system with the revisions on the plans indicating compliance with the other issues of the original October 5th Adjudication Order, noting those compliance items on the final drawings. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saab.

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

EXTENSION OF TIME:

**Docket A-340-09.
Timothy Capps - 14627 St. Clair Avenue:**

A motion is in order at this time to DENY the Appellant's request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that there has been no progress made in abating the violations. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab. Yeas: Messrs. Denk, Saunders, Saab, Bradley, Sullivan. Nays: None. Absent: Mr. Gallagher.

* * *

**Docket A-341-09.
Timothy Capps - 995 East 79th Street:**

A motion is in order at this time to DENY the Appellant's request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that there has been no progress made in abating the violations. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab. Yeas: Messrs. Denk, Saunders, Saab, Bradley, Sullivan. Nays: None. Absent: Mr. Gallagher.

* * *

**Docket A-177-10.
David M. Stokes - 2984 East 123rd Street:**

A motion is in order at this time to grant the Appellant two (2) weeks in which to clean up the exterior and three (3) months in which to abate all violations; the property is to be maintained groomed and debris-free during that period of time. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan.

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

* * *

OTHER BOARD BUSINESS:

**Docket A-24-10.
FED/Main Street LLC - 1111 West 10th Street:**

A motion is in order at this time to grant the variance to the setbacks on the pile caps on both Front Street and West 10th Street. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

APPROVAL OF RESOLUTIONS:

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

A-192-10 — Mars Urban Solutions, LLC

- A-207-10 — Kevin E. Foster
- A-213-10 — Joan Katz
- A-216-10 — Janice A. Eatman Williams
- A-218-10 — Dario Tompkins
- A-221-10 — RBS Citizens, NA
- A-226-10 — William D. Burks
- A-252-10 — Branden Powell
- A-360-10 — Donald W. & Julie K. Hallum
- A-384-10 — Lester Leland Palocsay

Yeas: Messrs. Denk, Saunders, Bradley, Sullivan. Nays: None. Not Voting: Mr. Saab. Absent: Mr. Gallagher.

* * *

APPROVAL OF MINUTES:

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

January 5, 2011

Yeas: Messrs. Denk, Saunders, Bradley, Sullivan. Nays: None. Not Voting: Mr. Saab. Absent: Mr. Gallagher.

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

**REQUEST FOR PROPOSALS
CLEVELAND CITY COUNCIL**

Request for Proposals for professional services to provide a software solution and services necessary to update, customize, and implement the City Council Website, and to create a City Council Intranet site. Proposals due by February 25, 2011. The City Council website must provide clear and concise information for citizens of Cleveland regarding the work of the Council, as well as access to the various services of the City of Cleveland and the City Council. For more information and to see the Request for Proposals, go to www.clevelandcitycouncil.org or call (216) 664-4466.

January 26, 2011, February 2, 2011, February 9, 2011, February 16, 2011 and February 23, 2011

NOTICE OF PUBLIC HEARING

**Monday, February 7, 2011
5:30 p.m.**

Notice is hereby given that the Detroit Shoreway Community Development Organization will hold a public hearing on Monday, February 7, 2011 at 5:30 p.m. in the Hispanic Senior Center, located on the 1st floor of St. Augustine Towers, 7821 Lake Avenue, Cleveland, OH 44102 to consider a Permit Parking Ordinance on West 81st Street in Ward 15 of the City of Cleveland.

January 26, 2011

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, FEBRUARY 9, 2011

File No. 4-11 — Lower Woolen Mills Demolition & Environmental Remediation, for the Division of Community Development, Department of Community Development, as authorized by Ordinance Nos. 1881-06 and 1511-09, passed by the Council of the City of Cleveland, December 11, 2006 and November 23, 2009, respectively.

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

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, JANUARY 27, 2011 AT 1:00 P.M. CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

January 19, 2011 and January 26, 2011

THURSDAY, FEBRUARY 10, 2011

File No. 7-11 — Rehabilitation of Health Centers for the City of Cleveland Department of Public Health, for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 1178-08 and 1416-09, passed by the Council of the City of Cleveland, September 28, 2009 and September 29, 2009, respectively.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 28, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, THE DIVISION OF ARCHITECTURE, ROOM 517, IN CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

File No. 8-11 — Variable Speed Water Booster Pump Systems Including Installation and Testing, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 28, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 10-11 — Labor and Materials Necessary to Inspect, Test, Maintain and Repair Elevators, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 28, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR SOUTH CONFERENCE ROOM, CLEVELAND, OHIO 44114.

January 19, 2011 and January 26, 2011

FRIDAY, FEBRUARY 11, 2011

File No. 5-11 — Year 2011 Cleaning and Cement Mortar Lining of Distribution Mains, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1552-10, passage pending by the Council of the City of Cleveland.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 28, 2011 AT 11:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDINGS, 1201 LAKESIDE AVENUE, AUDITORIUM-1ST FLOOR, CLEVELAND, OHIO 44114.

File No. 9-11 — Cab and Chassis with Front Loading Packer Body, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1849-08, passed by the Council of the City of Cleveland, January 26, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, JANUARY 31, 2011 AT 10:30 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

January 19, 2011 and January 26, 2011

WEDNESDAY, FEBRUARY 16, 2011

File No. 6-11 — Citywide Scrap Metal Sales, for the various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FOR TUESDAY, FEBRUARY 8, 2011 AT 2:30 P.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 19, 2011 and January 26, 2011

THURSDAY, FEBRUARY 17, 2011

File No. 11-11 — Neutralization Chemicals (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

January 19, 2011 and January 26, 2011

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 3, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

File No. 12-11 — Powdered Activated Carbon, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 3, 2011 AT 11:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

January 26, 2011 and February 2, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, January 24, 2011 2:00 p.m.

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

Tuesday, January 25, 2011 9:30 a.m.

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

Wednesday, January 26, 2011 10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Miller, Mitchell. *Authorized Absence:* Cleveland, Dow, Zone. Pro tempore: Reed, Westbrook.

1:30 p.m.

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Miller, Polensek, Pruitt, Westbrook. *Authorized Absence:* Dow.

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