

# The City Record

Official Publication of the Council of the City of Cleveland



April the Fifteenth, Two Thousand and Nine

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Nathaniel K. Wilkes	8410 Vineyard Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	8323 Pulaski Avenue	44103
8	Sabra Pierce Scott	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

### MAYOR – Frank G. Jackson

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

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

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

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

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

Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – John Christopher Nielson, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner

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

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

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.  
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.  
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FAIR HOUSING BOARD – Charles See, Chair; \_\_\_\_\_, Vice Chair; Daniel Conway, Doris Honsa, Lisa Camacho.

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 – Laura M. Bala, Chair; Jennifer Coleman, Vice Chair; Robert N. Brown, Council Member Joe Cimperman, Thomas Coffey, Robert Jackimowicz; Ari Maron, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 96

WEDNESDAY, APRIL 15, 2009

No. 4975

## CITY COUNCIL

MONDAY, APRIL 13, 2009

The City Record  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

#### MONDAY — Alternating

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

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

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

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Keane, Vice Chair; Cimperman, Dow, Pierce Scott, Reed, Wilkes.

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Cleveland, Coats, Conwell, Keane, Kelley, Pierce Scott, Westbrook.

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

**Rules Committee:** Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

**Personnel and Operations Committee:** Westbrook, Chair; Kelley, Mitchell, Pierce Scott, Santiago, Sweeney, Wilkes.

**Mayor's Appointment Committee:** Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, April 13, 2009

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Dow, Johnson, Keane, Kelley, Mitchell, Pierce Scott, Polensek, Pruitt, Reed, Santiago, Sweeney, Westbrook, Wilkes 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; Andrea V. Taylor, Press Secretary; and Directors Triozzi, Wasik, Carroll, Flask, Rybka, Hutchinson, Fumich, Brown, Interim Directors Walker and Withers and Acting Director Feliciano.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Doug Horner of St. Paul's Community Church, 4427 Franklin Boulevard, located in Ward 17. Pledge of Allegiance.

#### MOTION

On the motion of Council Member Kelley, the reading of the minutes

of the last meeting was dispensed with and the journal approved. Seconded by Council Member Dow.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 489-09.

Re: #9820735 — C2, C2X Transfer of Ownership Application — Yash Kush, Inc., d.b.a. Superior Beverage, 6029 Superior Avenue. (Ward 13). Received.

##### File No. 490-09.

Re: #8093311 — D1, D2, D3, D3A, D6 Transfer of Ownership Application — Shlomba, LLC, d.b.a. Now ThatsClast 1st Floor, Basement, and Patio, 11213-15 Detroit Avenue. (Ward 18). Received.

#### STATEMENT OF WORK ACCEPTANCE

##### File No. 491-09.

From the Department of Public Service, Division of Architecture Contract No. 68772, City Hall — Economic Development Renovations Project. Received.

##### File No. 492-09.

From the Department of Public Service, Division of Architecture Contract No. 68163, E. J. Kovacic Recreation Center Boilers. Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 493-09** — Rev. Bennie E. Goodman.

**Res. No. 494-09** — Richard Santiago.

**Res. No. 495-09** — Gill Steele.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 496-09** — Broadway Christian Church — (95th Anniversary).

**Res. No. 497-09** — Devon Orozco.

**Res. No. 498-09** — Anna Lark.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 499-09** — James A. Garfield Camp #142 of the Sons of the Union Veterans.

**Res. No. 500-09** — The Park Building Condominium Project.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 475-09.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into one or more contract amendments with Meritech, Inc. to amend Contract No. 64479 for the lease of Group I, II and III copiers and services to provide services for an additional year.**

Whereas, under Ordinance No. 319-04, passed May 3, 2004, this Council authorized the procurement of Group I, II, and III copiers and services for a period not to exceed five years; and

Whereas, based on that ordinance, the Director of Finance entered into Contract No. 64479 with Meritech, Inc.; and

Whereas, the Director of Finance and Meritech, Inc. wish to amend Contract No. 64479 to provide the copiers and services for an additional year, resulting in a savings of approximately \$156,000, based on costs incurred by the City over the original five year contract; and

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

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

**Section 1.** That the Director of Finance is authorized to enter into one or more contract amendments with Meritech, Inc. to amend Contract No. 64479 for the lease of Group I, II and III copiers and services to provide services for an additional year. The costs of the contract amendment or amendments will be paid from Fund No. 70 SF 301, Request No. 183626.

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

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

**Ord. No. 476-09.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise an option to renew Contract Nos. 67272, 67278, and 67423 with various vendors to provide for electrical parts and equipment, including labor, materials and installation, if necessary, to maintain and repair and modify electrical systems at various airport properties, for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 191-07, passed March 12, 2007, the Director of Port Control entered into Contract Nos. 67272, 67278, and 67423 with various vendors to provide for electrical parts and equipment, including labor, materials and installation, if necessary, to maintain and repair and

modify electrical systems at various airport properties, for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 191-07 requires further legislation before exercising the first option to renew on these contracts; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the option to renew Contract Nos. 67272, 67278, and 67423 for an additional year in the total estimated sum of \$387,000.00, with Consolidated Electrical Distributors, Inc., dba Leader Electric Supply Co., and Genesis Lamp Corporation to provide for electrical parts and equipment, including labor, materials and installation, if necessary, to maintain and repair and modify electrical systems at various airport properties, for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 191-07 to exercise these options.

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

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

**Ord. No. 477-09.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise an option to renew Contract No. 67617 with Fire Force, Inc. to provide for bunker gear suits, including but not limited to proximity pants, proximity coats, hoods, helmets, suspenders and boots, for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 405-07, passed April 23, 2007, the Director of Port Control entered into Contract No. 67617 with Fire Force, Inc. to provide for bunker gear suits, including but not limited to proximity pants, proximity coats, hoods, helmets, suspenders and boots, for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 405-07 requires further legislation before exercising the option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the option to renew Contract No. 67617 for an additional year in

the estimated sum of \$23,500.00, with Fire Force, Inc. to provide for bunker gear suits, including but not limited to proximity pants, proximity coats, hoods, helmets, suspenders and boots, for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 405-07 to exercise this option.

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

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

**Ord. No. 478-09.**

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

**An emergency ordinance authorizing the Director of Port Control to exercise an option to renew Contract No. 67307 with Aaron Landscaping, Inc. to provide for labor and materials necessary to maintain or replace exterior landscaping and other site landscaping for the various divisions of the Department of Port Control.**

Whereas, under the authority of Ordinance No. 407-07, passed April 23, 2007, the Director of Port Control entered into Contract No. 67307 with Aaron Landscaping, Inc. to provide for labor and materials necessary to maintain or replace exterior landscaping and other site landscaping for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 407-07 requires further legislation before exercising the option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the option to renew Contract No. 67307 for an additional year in the estimated sum of \$140,000, with Aaron Landscaping, Inc. to provide for labor and materials necessary to maintain or replace exterior landscaping and other site landscaping for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 407-07 to exercise this option.

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

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

**Ord. No. 479-09.**

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

**An emergency ordinance to amend Section 8 of Ordinance No. 1771-08, passed December 8, 2008, relating to constructing airfield modifications necessary to accommodate the new air traffic control tower and associated facilities.**

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 8 of Ordinance No. 1771-08, passed December 8, 2008, is amended to read as follows:

Section 8. That the cost of the contracts and all other expenditures authorized by this ordinance shall be paid from Fund Nos. 60 SF 104, 60 SF 105, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 141, passenger facility charges, if available for the project, and from the fund or funds to which are credited the proceeds of any future bonds which include this purpose, and 60 SF 300, Request No. 175236.

**Section 2.** That existing Section 8 of Ordinance No. 1771-08, passed December 8, 2008, is repealed.

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

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

**Ord. No. 480-09.**

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

**An emergency ordinance authorizing the Director of Public Utilities to apply for and accept grants and gifts from public and private entities to plan, design, and construct a Municipal Solid Waste-to-Energy plant at the Ridge Road Transfer Station; authorizing the Director to enter into one or more contracts with Princeton Environmental Group, Inc. and other professional consultants to implement the project.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to apply for and accept grants from any public or private entities to plan, design, and construct a Municipal Solid Waste-to-Energy plant at the Ridge Road Transfer (the "Improvement"); the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in this ordinance.

**Section 2.** That the Director of Public Utilities is authorized to enter into one or more contracts with Princeton Environmental Group, Inc. for professional services necessary to design the Improvement on the basis of its proposal entitled "Proposal For System Preliminary Design of City of Cleveland MSWE Project", for the Department of Public Utilities.

**Section 3.** That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants, necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to plan and design the facility, apply for necessary permits, licenses, or authorizations and perform other related assessments and studies, including but not limited to performing a study to determine the composition of Cleveland's municipal waste and its suitability for the project.

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

**Section 4.** That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations and fees required by any regulating entity or other public authority to implement this ordinance.

**Section 5.** That the costs of any expenditures authorized by this ordinance shall be paid from Fund No. 58 SF 001 and from the fund or funds to which are credited any grant proceeds accepted under this ordinance, Request No. 184143.

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

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

**Ord. No. 483-09.**

**By Council Member Coats.**

**An emergency ordinance to amend Sections 187.01 and 187.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 77-08, passed February 4, 2008, relating to the definition of Minority Business Enterprise as used within the Cleveland Area Business Code.**

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

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

**Section 1.** That Sections 187.01 and 187.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 77-08, passed February 4, 2008, are amended to read as follows:

**Section 187.01 Definitions of Terms**

As used in this Chapter, the following words, phrases, and terms shall be defined as set forth below:

(a) "Administrator" means the employee or employees in the OEO designated by the Director to act as an administrator of the Cleveland Area Business Program.

(b) "Bidder" means a Person offering to contract with the City in response to an invitation to bid, and for purposes of this Code, includes a proposer in response to a request for proposals or other similar solicitation.

(c) "Bid Discount" means the application of a percentage discount to the total amount of a bid submitted by a Bidder for a Contract solely for the purpose of bid comparisons when evaluating the lowest and best bid, or lowest responsible bid. The use of a Bid Discount for Bid Comparison does not alter the total amount of the bid submitted by a Bidder or the Contract executed based on a bid.

(d) "Business Enterprise" means a firm, sole proprietorship, partnership, association, corporation, company, or other business entity of any kind including, but not limited to, a limited liability corporation, incorporated professional association, joint venture, estate, or trust.

(e) "City" means the City of Cleveland, Ohio.

(f) "City of Cleveland Small Business" or "CCSB" means a CSB that has its principal office located physically within the municipal boundaries of the City.

(g) "Cleveland Area Business Code", "Cleveland Area Business Program", "Code" or "Chapter" means all of the provisions of this Chapter 187 of the Codified Ordinances of Cleveland, Ohio, 1976.

(h) "Cleveland Area Small Business" or "CSB" means a Business Enterprise certified under division (a) of Section 187.03.

(i) "Cleveland Contracting Market" or "Contracting Market" means the geographic market area consisting of Cuyahoga County, Ohio, or the geographic market area identified in a disparity study or otherwise as provided in Section 187.28.

(j) "Commercially Useful Function" means execution by a CSB, MBE, or FBE of a distinct element of the work in carrying out its responsibilities by actually performing, managing, and supervising the work involved by its personnel, materials, and assets. To determine whether a Business Enterprise is performing a Commercially Useful Function, the City will evaluate the amount of the Contractor's work which is appropriate to be subcontracted and actually subcontracted,

industry practices, and other relevant factors tending to demonstrate actual performance.

(k) "Construction" means the erection, rehabilitation, alteration, conversion, extension, demolition or repair of improvements to real property, including facilities providing utility service and includes the supervision, inspection, and other on-site functions incidental to construction.

(l) "Contract" means a binding agreement executed on or after the effective date of this Cleveland Area Business Code by which the City either grants a privilege or is committed to expend or does expend its funds or other resources, or confers a benefit having monetary value including, but not limited to, a grant, loan, interest in real or personal property, or tax incentive in any form for or in connection with any work, project, or public purpose including, but not limited to, a contract for the:

(1) Construction of any public improvement, including change orders or subsidiary agreements approved by the City during the performance of such Construction;

(2) Purchase of personal property;

(3) Purchase of any supplies, equipment or services;

(4) Lease by way of concession under Section 183.03;

(5) Lease of any personal property; or

(6) Grant by concession agreement of a specific permission, privilege, or license under Sections 183.04, 183.041, and 184.044 of the Codified Ordinances.

"Contract" shall include a binding agreement, funded or benefited by the City, between a party to a Contract and a third party, but shall exclude contracts with other public entities, except as provided in Section 187.09. For purposes of MBE and FBE utilization, "Contract" shall only include the specific types and categories of Contracts and Contractors identified in a disparity study or otherwise as the subject of past or present discrimination as provided in Section 187.28.

(m) "Contracting Department" includes any administrative department under charge of the Mayor or any office, board, or commission treated or construed as a department of City government for any purpose under the Charter or ordinances of the City for the benefit or program of which the City enters into a particular Contract.

(n) "Contractor" means a separate or distinguishable Business Enterprise employing one or more persons and participating in the performance of a Contract, including but not limited to CSBs, MBEs and FBEs where applicable, and shall include a party in privity with a Contractor for implementation of a Contract.

(o) "Control" means the unencumbered ability to direct operations and management.

(p) "Director" means the Director of the Office of Equal Opportunity.

(q) "Disability" means any physical or mental impairment that substantially limits one or more of an individual's major life activities.

(r) "Discriminate" means to exclude an individual or group solely on the basis of race, religion, color, sex, sexual orientation, national origin, age, Disability, ethnic group or Vietnam-era or disabled-veteran status.

(s) "Discriminate on the basis of age" means to Discriminate as determined by appropriate Federal law against individuals over the age of forty (40).

(t) "Evaluation Credit" means a predetermined number of points in the evaluation of proposals submitted by a Bidder for a Contract to be added solely for the purpose of proposal comparison when evaluating competing proposals. The use of Evaluation Credits does not alter the amount of the proposal submitted by a Bidder or the Contract executed based on the proposal.

(u) "Female" includes only a United States citizen or lawful, permanent resident who is a member of the female gender.

(v) "Female Business Enterprise" or "FBE" means a Business Enterprise owned, operated, and controlled by one or more Females who have 51% ownership. The one or more Females must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of Female ownership. To qualify as a Female Business Enterprise, the Business Enterprise shall be located and doing business in the Cleveland Contracting Market.

(w) "Front Organization" means any FBE, MBE, or CSB that serves as a Contractor, or as a subcontractor to any Contractor under Contract, who obtained and/or retained certification through false statements or who committed to performance of a distinct element of the work under the Contract but did not carry out its responsibilities by actually performing, managing or supervising the work involved, or who did not provide products, services, goods or supplies in a manner, in the Director's determination, consistent with its certification.

(x) "Joint venture" means an association of two or more persons or businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

(y) "Minority Person" means a United States citizen or lawful, permanent resident who is a member of a racial or ethnic group, such as African American, Hispanic American, Asian American or Native American, against whom past or present discrimination has been demonstrated as provided in Section 187.28.

(z) "Minority Business Enterprise" or "MBE" means a Business Enterprise owned, operated and controlled by one or more Minority Persons who have at least 51% ownership **and, if the Business Enterprise has more than five (5) full-time officers and employees, at least 35% of the full-time officers and employees are Minority Persons.** The Minority Person(s) must have operational and managerial Control, interest in capital, and earnings commensurate with the percentage of ownership. To qualify as a Minority Business

Enterprise, the enterprise shall be located and doing business in the Cleveland Contracting Market.

(aa) "OEO" means the Office of Equal Opportunity of the City of Cleveland.

(bb) "Person" means and includes a natural person, a Business Enterprise or other entity, unless the context or usage requires otherwise.

(cc) "Public Improvement" means a project determined by the City Council to be a public improvement under Section 167 of the Cleveland City Charter.

(dd) "Regional Cleveland Area Small Business" or "RCSB" means a CSB that has its principal office located physically within the territorial boundaries of Cuyahoga County but outside the municipal boundaries of the City.

(ee) "Regulation" or "Regulations" means and includes the regulations implementing this Code and promulgated by the Director of Equal Opportunity under division (b)(6) of Section 123.08 of these Codified Ordinances.

(ff) "Small Business Enterprise" or "SBE" means a Business Enterprise that meets the established economic criteria for a SBE and is owned, operated and controlled by one or more persons who meet the economic criteria for SBE ownership established by the Director in the Regulations.

(gg) "Supplier" means a Business Enterprise performing a Commercially Useful Function in the supply process when it:

(1) Assumes the actual and contractual responsibility for furnishing the supplies or materials;

(2) Is recognized as a distributor of the contracted supplies and materials by the industry involved;

(3) Owns or leases a warehouse, yard, building or other facilities for stocking inventory or otherwise conducts business in a manner which is usual and customary in the industry and market for the supplies or materials; and

(4) Distributes, delivers, and services products primarily with its own staff and/or equipment.

#### **Section 187.05 Certification of Minority Business Enterprises and Female Business Enterprises**

(a) A Business Enterprise is eligible for certification as a Minority Business Enterprise if:

(1) the Business Enterprise is owned, operated and controlled by one or more Minority Persons who have at least 51% ownership;

(2) the Minority Persons who own the Business Enterprise have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership;

(3) the Business Enterprise is located and doing business in the Cleveland Contracting Market; **and**

**(4) for any business enterprise having more than five (5) full-time officers and employees, at least 35% of the full-time officers and employees are Minority Persons.**

(b) A Business Enterprise is eligible for certification as a Female Business Enterprise if:

(1) the Business Enterprise is owned, operated and controlled by

one or more Females who have at least 51% ownership;

(2) the Female owners have operational and managerial control, interest in capital, and earnings commensurate with the percentage of ownership; and

(3) the Business Enterprise is located and doing business in the Cleveland Contracting Market.

(c) Contracting Departments may apply a Bid Discount of five percent (5%) for bids received from certified MBE and FBE prime contractors, as the Regulations provide to remediate past or present discrimination as provided in Section 187.28.

(d) Contracting Departments may apply an Evaluation Credit of five percent (5%) of the total points awarded for proposals received from MBE and FBE prime contractors, as the Regulations provide to remediate past or present discrimination as provided in Section 187.28.

(e) Contracting Departments may apply a Bid Discount for bids received for a Public Improvement Contract from a Business Enterprise in the amount of five percent (5%) of the portion of the total amount of the goods, labor, and materials that the Bidder represents it will subcontract to one or more MBEs and FBEs.

(1) If a Contracting Department applies the Bid Discount under division (d) of this section to the bid of a Bidder that would not have otherwise been the lowest and the Bidder is awarded the Public Improvement Contract, the City shall retain as Additional Retainage an amount equal to the total dollar amount by which the bid was adjusted for bid comparison in addition to the retainage required under Section 185.41 of the Codified Ordinances.

(2) If a Contractor uses MBE and FBE subcontractors in the performance of a Public Improvement Contract in an amount equal to or greater than offered in the Contractor's bid, the City shall pay the Contractor any Additional Retainage retained under division (e)(1) of this section upon the Contracting Department director's acceptance of the contract work under division (d) of Section 185.41. If a Contractor uses MBE and FBE subcontractors in the performance of a Public Improvement Contract in an amount less than represented in its bid, the Contractor shall forfeit the amount of Additional Retainage equal to the amount of shortfall in its total MBE and FBE usage, in addition to any other sanctions or penalties applicable under this Chapter or the Contract.

(3) If a Contracting Department applies the Bid Discount under division (e) of this section to a bid that would not have otherwise been the lowest and the Bidder is awarded the Public Improvement Contract, the Contract terms shall prohibit the Contractor from deducting the amount of the Additional Retainage from progress payments to the MBE and FBE subcontractors.

(f) The maximum cumulative dollar amount of all Bid Discounts to a Bidder for a bid under divisions (c) and (e) of this section shall not exceed \$50,000.00.

(g) If a Contracting Department applies a Bid Discount under divisions (c) or (e) of this section to one or more bids for the award of a Contract, no Bid Discounts may be applied under divisions (b) or (d) of Section 187.03 to any bid under review for the award of that Contract. If a Contracting Department applies an Evaluation Credit under division (d) of this section to one or more proposals for the award of a Contract, no Evaluation Credits may be applied under division (c) of Section 187.03 to any proposal under review for the award of that Contract.

(h) Certificates issued under this section shall be valid for the period specified by the Director in the Regulations.

(i) By 15 days after the close of each calendar quarter, the Director shall publish a list of all MBEs and FBEs certified during the preceding quarter, including the type(s) of work that each is certified to perform, and a list of all Business Enterprises that have lost their certification as an MBE or FBE during the preceding quarter, including whether an appeal of the denial of certification is pending. Concurrently, the Director shall furnish to the Council the name of any Business Enterprise to which OEO has denied certification as an MBE or FBE during the preceding quarter, including whether an appeal of the denial is pending. Publication of the MBE's or FBE's name shall not be a prerequisite for eligibility for the award of a Contract.

**Section 2.** That existing Sections 187.01 and 187.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 77-08, passed February 4, 2008, are repealed.

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

Referred to Directors of Office of Equal Office Opportunity, Finance, Law; Committees on Employment, Affirmative Action and Training, Legislation, Finance.

#### **FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 481-09.**

**By Council Members Pierce Scott and Sweeney (by departmental request).**

**An emergency resolution declaring the Mayor's and Cleveland City Council's support of the Cleveland Citywide Development Corporation's application to the U.S. Department of Treasury to accept the City's allocation of New Markets Tax Credits.**

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the New Markets Tax Credits allocation will, among other things, be used in assisting companies in creating new jobs and

encouraging companies to do more in the City of Cleveland; now, therefore,

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

**Section 1.** That the Mayor and the Council of the City of Cleveland declare their support of the Cleveland Citywide Development Corporation's application to the U.S. Department of Treasury to accept the City's allocation of New Markets Tax Credits.

**Section 2.** That the Clerk of Council is directed to send copies of this resolution to the U.S. Department of Treasury.

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

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

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

**Ord. No. 482-09.**

**By Council Member Cleveland.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th and Scovill near East Tech and east side, for the period from May 27, 2009 to June 27, 2009, inclusive, publicizing the Fourth Annual Ward 5 Family Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to install, maintain and remove banners at East 55th and Scovill near East Tech east side for the period from May 27, 2009 to June 27, 2009, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of



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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 486-09.**

**By Council Member Santiago.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Esperanza Inc. for the Prime Time Summer Enrichment Program and Youth Leadership Academy through the use of Ward 14 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development to enter into an agreement with Esperanza Inc., for the Prime Time Summer Enrichment Program and Youth Leadership Academy for the public purpose of providing summer educational activities to city of Cleveland youths through the use of Ward 14 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 487-09.**

**By Council Member Santiago.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Julia De Burgos Cultural Arts Center for the Cultural Instructional Program through the use of Ward 14 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development to enter into an agreement with the Julia De Burgos Cultural Arts Center for the Cultural Instructional Program for the public purpose of providing cultural arts education to city of Cleveland youths through the use of Ward 14 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$35,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 488-09.**

**By Council Member Santiago.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Spanish American Committee for the Foreclosure Prevention Program through the use of Ward 14 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development to enter into an agreement with The Spanish American Committee for the Foreclosure Prevention Program for the public purpose of providing education and counseling to city of Cleveland homeowners to prevent home foreclosures through the use of Ward 14 Neighborhood Capital Fund.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$35,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 484-09.**

**By Council Member Coats.**

**An emergency resolution objecting to the Liquor Agency Contract and the transfer of ownership of a C1 and C2 Liquor Permit located at 18235 Euclid Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a Liquor Agency Contract and the transfer of ownership of a C1 and C2 Liquor Permit from Greenlite Beverage and Liquor, Inc., DBA Greenlite Beverage & Liquor, 18235 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 3350248 to Rida, Inc., DBA Green Lite Beverage & Liquor, Unit DD, 18235 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 7362661; 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 Liquor Agency Contract and the transfer of ownership of a C1 and C2 Liquor Permit from Greenlite Beverage and Liquor, Inc., DBA Greenlite Beverage & Liquor, 18235 Euclid Avenue, Cleveland, Ohio 44112, Permanent



Number 3350248 to Rida, Inc., DBA Green Lite Beverage & Liquor, Unit DD, 18235 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 7362661; 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 485-09.**

**By Council Member Kelley.**  
**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 4716 State Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Sports Inn, LLC, 4716 State Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8440222 to NK Beverage, Inc., 4716 State Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 6277278; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Sports Inn, LLC, 4716 State Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8440222 to NK Beverage, Inc., 4716 State Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 6277278; 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 503-08.**

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

An emergency ordinance to amend Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 738-06, passed May 15, 2006, relating to golf course rates.

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

1. In Section 1, strike lines, 6, 7, and 8 in their entirety and insert: **"following rates at municipal golf courses, provided, however, that the fees regarding banquet room rental at Highland Park may be amended from time to time by the Board of Control"**.

2. In Section 1, at amended Section 133.29, insert new division (g) to read as follows:

**"(g) Group, promotional and other reduced rates. Effective until January 1, 2010, the Director of Parks, Recreation and Properties subject to**

**Board of Control approval, is authorized to establish and collect group, promotional, and other reduced rates at municipal golf courses in amounts that do not exceed the per person rates listed in division (a) through (f) of this section."**

3. In Section 1, at amended Section 133.29, reletter existing divisions (g), (h), and (i), as new divisions **"(h)", "(i)", and "(j)"**.

4. Insert new Section 3 to read as follows:

**Section 3. That after January 1, 2010, the Director of Parks, Recreation and Properties shall report to the Committee on Public Parks, Property & Recreation regarding the impact and effect of the group, promotional, and other reduced golf course rates established and collected under division (g) of Section 133.29."**

5. Renumber existing Section 3 to new **"Section 4"**.

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 1736-08.**

By Council Member Sweeney.

An emergency ordinance to amend Section 110.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1632-94, passed September 1, 1994; to repeal Sections 110.03 to 110.09, as enacted by Ordinance No. 1632-94, passed September 1, 1994; to supplement by enacting new Section 110.03; and to repeal Sections 110A.01 to 110A.06, as enacted by Ordinance No. 625-95, passed May 15, 1995, relating to campaign finance.

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

1. In Section 3, at new Section 110.03(b), last line, after "within five (5) days after" insert **"taking all arguments and testimony and completion of"**.

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 1744-08.**

By Council Members Brancatelli and Cummins.

An emergency ordinance to amend Section 670.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 171-04, passed February 2, 2004, relating to the type of firearms carried by commissioned armed security guards.

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

1. In Section 1, in amended Section 670.15, in lines 2, 3, and 4, strike "a firearm greater than a 9mm handgun or the equivalent of the standard handgun issued by the Division

of Police to Cleveland police officers." and insert "any type of firearm other than a .38 caliber revolver or a 9mm semi-automatic pistol, provided that the guard shall not carry or use a 9mm semi-automatic pistol unless the guard has first completed at least 32 hours of training in handgun use approved by the Ohio peace officer training commission and presents to the Director of Public Safety a certificate of satisfactory completion of the course of study."

2. In Section 1, in amended Section 670.15, in lines 6 and 7, strike "to the Director of Public Safety, in writing, within two (2) business days of the incident" and insert "to the Division of Police immediately after the incident and to the Director of Public Safety, in writing, the same or next business day".

3. Insert new Section 3 to read as follows:

**"Section 3. That by May 1st of each year, the Director of Public Safety shall report to the Public Safety Committee the number and identity of persons who have been found eligible to carry or use a 9mm semi-automatic pistol under Section 670.15, and all incidents reported by armed security guards that a firearm was discharged."**

4. Renumber existing 3 to new "Section 4."

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 3-09.**

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

An emergency ordinance to repeal Section 3 of Ordinance No. 861-08, passed July 2, 2008; to renumber existing Section 4 of that ordinance to new Section 3; and to repeal Ordinance No. 1873-08, passed December 8, 2008, relating to obstructions within the Harbor and relating penalty.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Legislation, Finance; when amended as follows:

1. Insert new Section 4 to read as follows:

**"Section 4. That not later than October 1st of each year, the Director of Port Control shall report to the Aviation and Transportation Committee all notice activity and other actions taken under the authority of Section 573.02 and 573.04."**

2. Renumber existing Section 4 to new "Section 5".

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 105-09.**

By Council Members Reed, Conwell, Mitchell, Santiago and Brancatelli.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting

new Section 433.09 prohibiting the use of wireless handsets to text message while driving.

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

1. In Section 1, at new Section 433.09, after the section title, add "(a) As used in this section:".

2. In Section 1, at new Section 433.09, reletter divisions "(a)" and "(b)" to "(1)" and "(2)"; reletter divisions "(c)" and "(d)" to "(b)" and "(c)"; strike subdivision "a." in its entirety and reletter subdivisions "b.", and "c." to "(1)" and "(2)"; and reletter division "(e)" to "(d)".

3. In Section 1, at new Section 433.09, in existing division (c), strike lines 2, 3, 4, 5, and 6 in their entirety and insert "driving a motor vehicle in the City of Cleveland."

4. In Section 1, at new Section 433.09, in existing division (d), line 1, strike "subdivision c" and insert "division (b)"; and in existing division (d)b., strike lines 1 and 2 in their entirety and insert "(1) a driver using a wireless handset to contact any law enforcement, police officers, emergency services personnel, emergency medical technicians, or fire safety officials to report an emergency situation; or".

5. In Section 2, line 1, strike "433.09(e)" and insert "433.09(d)".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 2.

Those voting yea: Council Members Sweeney, Brady Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Johnson, Keane, Kelley, Mitchell, Polensek, Pruitt, Reed, Santiago, Westbrook, Wilkes and Zone.

Those voting nay: Council Members Dow and Pierce Scott.

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. 183-09.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to perform environmental analytical laboratory services needed to comply with regulatory permits and orders, and for miscellaneous sampling, environmental compliance strategies, environmental modeling efforts, and reporting, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Legislation, Finance; when amended as follows:

1. In Section 2, line 2, after "60 SF 001," insert "60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, and from the fund or funds to which are credited any grants issued for this purpose,".

2. In Section 1, at the end of the first paragraph, strike the period and insert ", for a period of two

years with two one-year options to renew. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council."

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 279-09.**

By Council Members Zone, Sweeney and Westbrook.

An emergency ordinance to add the name of Ed Hauser Way as a secondary name to Whiskey Island Drive.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 392-09.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the criminal and civil filing system, including materials necessary to file and retrieve cases, for the Department of Finance, on behalf of the Cleveland Municipal Court, for a period of one year, with a one-year option to renew.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 411-09.**

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 605.11 relating to misconduct involving a public transportation system.

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

1. In Section 1, in new Section 605.11(c), line 2, between "misdemeanor" and the period insert "on the first offense and a misdemeanor of the fourth degree on the second and any subsequent offense".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 110-09.**  
By Council Members Reed and Santiago.  
An emergency resolution urging the Governor of the State of Ohio and General Assembly of the State of Ohio to examine other states' regulation of cell phone use and text messaging while driving and consider passing similar legislation.  
Approved by Directors of Public Safety, Finance, Law; Adoption recommended by Committees on Public Safety, Legislation, Finance.  
The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**MOTION**

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, April 20, 2009 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

The following measure will be on its final passage at the next meeting:

NONE

**BOARD OF CONTROL**

April 8, 2009

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 8, 2009, at 10:30 a.m. with Director Triozzi presiding.

Present: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Absent: Mayor Jackson and Director Dumas.

Others: Jim Hardy, Commissioner, Purchases and Supplies.  
Natoya Walker, Acting Director, Office of Equal Opportunity.

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

**Resolution No. 110-09.**  
By Director Dumas.  
Resolved, by the Board of Control of the City of Cleveland, that all bids received on March 19, 2009 for the purchase of an estimated quantity of labor and materials to repair and replace Fire Extinguishers, all items, for various divisions of City government, under the authority of

Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 111-09.**  
By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that all bids received on February 18, 2009 for the labels and services necessary to retrieve and re-label unused file folders, all items, for the Department of Finance, on behalf of the Clerk of the Cleveland Municipal Court, under the authority of Ordinance No. 1818-08, passed by the Cleveland City Council December 8, 2008, are rejected.

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 112-09.**  
By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Nerone & Sons, Inc. for the public improvement of Rehabilitating Secondary Sites, including Water Towers, Tanks and Appurtenances, including a \$651,500.00 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on January 14, 2009, under the authority of Ordinance No. 810-08, passed June 9, 2008, upon a gross price for the improvement in the aggregate amount of \$7,210,500.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

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

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Hammond Construction (CSB/F)	\$ 490,000.00 6.80%
Ballast Construction Inc., dba Ballast Fence (CSB/F)	\$ 5,000.00 0.07%
Time Line Photography (CSB/F)	\$ 12,252.00 0.17%
MeTech Corp. dba Tech Ready Mix (CSB/M)	\$ 125,000.00 1.73%

Granger Trucking Inc. (CSB/M) \$ 30,000.00  
0.42%

Northeast Contracting, LLC (CSB/M) \$ 555,000.00  
7.70%

DDC +, Inc. (CSB/M) \$ 250,000.00  
3.47%

D&M Painting Corporation \$3,300,000.00  
45.77%

Cardinal Maintenance & Service Co. \$ 25,000.00  
0.35%

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 113-09.**  
By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Perk Co., Inc. for an estimated quantity of sewer maintenance appurtenances — slabs (all items), for the Division of Water Pollution Control, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on January 30, 2009, under the authority of Section 129.27 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$266,800.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 180018 which shall be certified against the contract in the sum of \$50,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Perk Co., Inc. for the above-mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
CSBMBE/FBE	
MeTech Corp. CSB	\$53,475.00 (20.043%)

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 114-09.**

By Interim Director Withers.  
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for the public improvement of cleaning and cement mortar lining of distribution mains in area 2009-A, including a \$207,341.50 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on February 11, 2009, under the authority of Ordinance No. 1658-08, passed December 8, 2008, upon a unit basis for the improvement in the aggregate amount of \$2,280,756.50, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

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

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Dan Ray Construction, LLC (CSB/M)	\$385,000.00 16.88%

McTech Corp., d.b.a. Tech Ready Mix (CSB/M)	\$ 75,000.00 3.29%
ECC Enterprises, LLC (CSB/F)	\$225,000.00 9.87%

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.  
 Absent: Mayor Jackson and Director Dumas.

**Resolution No. 115-09.**

By Interim Director Withers.  
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of cleaning and cement mortar lining of distribution mains in area 2009-B, including a \$168,205.70 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on February 12, 2009, under the authority of Ordinance No. 1658-08, passed December 8, 2008, upon a unit basis for the improvement in the aggregate

amount of \$1,850,262.70, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the abovementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
The Vallejo Company, Inc. (CSB/M)	\$433,000.00 23.40%
Rockport Construction & Materials, Inc. (CSB/F)	\$144,000.00 7.78%

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.  
 Absent: Mayor Jackson and Director Dumas.

**Resolution No. 116-09.**

By Director Smith.

Whereas, under the authority of Ordinance No. 1850-06, passed by the Council of the City of Cleveland on April 2, 2007, and Board of Control Resolution No. 72-08, adopted February 6, 2008, the City through its Director of Port Control, entered into City Contract No. 67743 with BAA USA, Inc. to manage all retail merchandise and food and beverage concessions at Cleveland Hopkins International Airport, including the remote rental car facility, and installation of one automated teller machine at Burke Lakefront Airport and set a concession fee for each year of the initial and option terms; and

Whereas, under the authority of Ordinance No. 1850-06, passed by the Council of the City of Cleveland on April 2, 2007, and Board of Control Resolution No. 386-08, adopted August 6, 2008, the City consented to the assignment of City Contract No. 67743 from BAA USA, Inc. to BAA Cleveland, Inc. ("BAAC"); and

Whereas, due to unforeseen delays in the construction of the utility infrastructure the date on which BAAC is able to turn over subleased spaces to its sublessees has been delayed; and

Whereas, the City has determined that the concession fees set forth in Board of Control Resolution No. 72-08, adopted February 6, 2008, should be amended; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the concession fees set forth in Board of Control Resolution No. 72-08, adopted February 6, 2008, are amended effective January 1, 2009 as follows:

CURRENT CONCESSION FEES			AMENDED CONCESSION FEES		
Period	MAG	Percentage Fee	Period	MAG	Percentage Fee
January 1, 2009 through December 31, 2009	\$3,000,000	65%	January 1, 2009 through March 31, 2009	None	65%
			April 1, 2009 through December 31, 2009	\$2,250,000	65%

Be it further resolved that all other terms of Resolution No. 72-08 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 117-09.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 319-09, passed by the Council of the City of Cleveland on March 16, 2009, DLZ Ohio, Inc. is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City by providing the engineering and other professional services necessary to complete design and prepare plans and specifications of the rehabilitation of the Madison Avenue retaining walls and Nottingham Road retaining walls.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with DLZ Ohio, Inc. based on its proposal dated March 27, 2009, which contract shall be prepared by the Director of Law, shall provide that the compensation to be paid shall not exceed \$370,508.00 and shall contain additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by DLZ Ohio, Inc. for the above authorized contract is approved:

HzW Environmental Consultants, LLC  
CSB/FBE — \$10,836.25 — (2.9%)

Suhail & Suhail, Inc.  
CSB/MBE — \$30,976.00 — (8.4%)

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 118-09.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 319-09, passed by the Council of the City of Cleveland on March 16, 2009, TranSystems Corporation of Ohio is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the engineering and other professional services necessary to complete design and construction of the rehabilitation of the Willow Lift Bridge, the Center Street Lift Bridge, and the Carter Road Lift Bridge.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract

with TranSystems Corporation of Ohio based on its proposal dated March 30, 2009, which contract shall be prepared by the Director of Law, shall provide that the compensation to be paid shall not exceed \$731,294.00, and shall contain additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by TranSystems Corporation of Ohio for the above authorized contract is approved:

Michael Benza & Associates, Inc.  
CSB — \$40,526.00 — (5.54%)

KS Associates, Inc.  
CSB/FBE — \$34,214.00 — (4.68%)

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 119-09.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcels 118-13-015, 118-13-019, 118-13-020, 118-13-021, 118-13-024 and 118-13-025 located on East 69th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 297-08, passed April 14, 2008, relating to the sale of certain real property as part of the Land Reutilization Program to Midtown Cleveland, Inc., was repealed by Ordinance No. 198-09, passed by the Council of the City of Cleveland on March 3, 2009; now, therefore;

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 198-09, passed March 3, 2009 by the Council of the City of Cleveland, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with LCA6700 Euclid LLC for the sale and development of Permanent Parcels 118-13-015, 118-13-019, 118-13-020, 118-13-021, 118-13-024 and 118-13-025, as described in Ordinance No. 198-09 according to the Land Reutilization Program in such a manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$15,000.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 120-09.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 118-23-158 located at 2170 East 69th Street in Ward 5; and

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

Whereas, Rucker Garland, Jr., abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Rucker Garland, Jr. for the sale and development of Permanent Parcel No. 118-23-158 located at 2170 East 69th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 121-09.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 015-04-056 located at West 34th Street in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commis-

sioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Linda L. Gurkis, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Linda L. Gurkis for the sale and development of Permanent Parcel No. 015-04-056 located at West 34th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 122-09.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 123-31-120 located at Frazee Avenue in Ward 5; and

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

Whereas, Charles R. Gagliardo, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Charles R. Gagliardo for the sale and development of Permanent Parcel No. 123-31-120 located at Frazee Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 123-09.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 007-07-075 located at 3617 Siam Avenue in Ward 14; and

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

Whereas, Eugene Pallas, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion/construct garage; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio

1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Eugene Pallas for the sale and development of Permanent Parcel No. 007-07-075 located at 3617 Siam Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 124-09.**

By Director Wasik.

Whereas, under the authority of Ordinance No. 1242-92, passed by the Cleveland City Council June 15, 1992, and Resolution No. 100-98, adopted by the Board of Control on February 18, 1998, the City, through its Director of Public Service, entered into Contract No. 53362 with Euthenics, Inc. ("Engineer") for professional engineering consulting services necessary for the rehabilitation of the West 74th Street Bridge (the "Project"); and

Whereas, the City desires to obtain additional engineering services to update and complete plans for the rehabilitation of the West 74th Street Bridge, to meet present ODOT design standards and railroad requirements necessary for construction of the Project, and to negotiate and acquire all interests in real property necessary for the Project; and

Whereas, Engineer has proposed by its March 10, 2009 letter to perform the abovementioned additional services, for an amount not to exceed \$205,177.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Service is authorized to enter into a first modification to Contract No. 53362 with Euthenics, Inc., based on its proposal dated March 10, 2009, for additional engineering services necessary to update and complete plans for the rehabilitation of the West 74th Street Bridge to present ODOT design standards and railroad requirements necessary for construction of the Project, and to negotiate and acquire all interests in real property necessary for the Project, for an additional amount not exceeding \$205,177.00, thereby increasing the total compensation under the contract to \$368,412.00.

Be it further resolved that the employment of the following sub-consultants for the services to be performed under the above-mentioned first amendment is approved:

G & T Associates  
(CSB/MBE) — \$54,975.00 — (26.79%)

Prime Engineering  
(CSB) — \$8,316.00 — (4.05%)

ASC Group, Inc.  
(CSB/FBE) — \$1,909.00 — (0.93%)

Resource International, Inc.  
(CSB/FBE) — \$12,443.00 — (6.06%)

O.R. Colan Associates  
\$35,150.00 — (17.13%)

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 125-09.**

By Director Wasik.

Whereas, under the authority of Ordinance No. 1530-02, passed by the Cleveland City Council on November 25, 2002, as amended by Ordinance No. 2457-02, passed by the Cleveland City Council on March 10, 2003, and Resolution No. 435-03, adopted by this Board of Control on July 23, 2003, as further amended by Resolution No. 542-03, adopted September 10, 2003, and Resolution No. 586-03, adopted October 1, 2003, the City, through the Director of Public Service ("Director"), entered into City Contract No. 62167 with E.G. & G., Inc. ("Engineer") to provide the professional Stage I ("Preliminary Engineering") services necessary for the design of the public improvement of the Kamms Corners Streetscape Project ("Project"), for an amount not to exceed \$162,266.00; and

Whereas, under Ordinance No. 1667-04, passed by the Cleveland City Council on October 25, 2004, the Director entered into an amendment to Contract No. 62167 to obtain the Stage II, ("Detailed Plans and Specifications") and Stage III (Services During Construction) services necessary to construct the Underground Ducts portion of the Project, and to increase the total contract amount by \$310,656.00 to \$448,022.00; and

Whereas, Board of Control Resolution No. 158-04, adopted April 6, 2005, approved revisions to the participation amounts of various sub-consultants; and

Whereas, under Ordinance No. 1932-07, passed by the Cleveland City Council on December 10, 2007, adding certain funding sources for the Project, and Board of Control Resolution No. 675-07, adopted December 14, 2007, the Director entered into a Second Amendment to Contract No. 62167, to obtain the additional engineering services necessary to extend the project limits for underground utility lines and above-ground streetscape elements, and to increase the total contract amount by \$149,859.00 to not exceed \$597,881.00; and

Whereas, the City desires to increase the scope of work further to extend the underground utilities on Lorain Avenue from Groveland to the West Corporation Line and to

resurface Lorain Avenue from West 150th Street to the West Corporation Line; and

Whereas, Engineer has proposed by its March 27, 2009 letter to perform the above-described additional engineering services for additional compensation of \$139,601, and to employ certain sub-consultants in performing the additional services; now therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 319-09, passed by the Cleveland City Council on March 16, 2009, that the Director is authorized to enter into a Third Amendment to Contract No. 62167 with E.G. & G., Inc., based on its March 27, 2009 proposal, for the additional engineering services necessary to trench utility lines and construct streetscape elements from Groveland to the West Corporation Line, and to resurface Lorain Avenue from West 150th to West Corporation Line, and increasing the total contract amount by \$139,601.00 to an amount not exceeding \$737,482.00.

Be it further resolved, that the employment of the following sub-consultant for the services to be performed under the above-authorized third amendment to Contract No. 62167 is approved:

Somat Engineering  
(CSB/MBE) — \$20,600.00 — (2.79%)

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 126-09.**

By Director Wasik.

Whereas, under the authority of Ordinance No. 1510-86, passed by the Cleveland City Council October 6, 1986, and Resolution No. 689-90, adopted by the Board of Control on September 19, 1990, as amended by Resolutions Nos. 816-90 and 127-91, adopted on October 24, 1990 and February 27, 1991 respectively, the City, through its Director of Public Service, entered into Contract No. 43522 with North Shore Engineering, Inc., now known as Euthenics, Inc. ("Engineer") for professional engineering consulting services necessary for the rehabilitation of the West 65th Street Bridge, City Bridge No. 1:062M, and the Madison Avenue Bridge, City Bridge No. 1:029M; and

Whereas, Resolution No. 3-00, adopted by the Board of Control on January 5, 2000, authorized the Director to enter into a first modification to Contract No. 43522 to obtain the additional professional engineering consulting services necessary to update plans for West 65th Street Bridge and to complete plans for the rehabilitation of the Madison Avenue Bridge, and increased the total compensation under the contract to \$381,496.00; and

Whereas, the City desires to modify the scope of services of Contract No. 43522 to include the additional

services necessary to modify and complete plans for rehabilitation of the Madison Avenue Bridge over GCRTA & Norfolk Southern Tracks by conversion to a pedestrian/utility bridge, to conform to current ODOT design standards and railroad requirements, and to negotiate and acquire all real property rights necessary for the project; and

Whereas, the City desires to modify the scope of services further to include the engineering consulting services necessary for design and construction of the rehabilitation of the West 61st Street Bridge, City Bridge No. 1:061M, over GCRTA & Norfolk Southern tracks and adjacent to the Madison Avenue Bridge and to negotiate and acquire all rights in adjacent real property necessary for the project; and

Whereas, Engineer has proposed by its March 26, 2009 proposal to perform the above-described additional professional engineering consulting services, and to employ certain sub-consultants, for an amount not exceeding \$314,742.00; and

Whereas, Ordinance No. 1242-92, passed by the Cleveland City Council on June 15, 1992 authorized certain additional funds as sources for payment of the costs of the above-described engineering services for rehabilitation of various City bridges; now, therefore

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Service is authorized to enter into a second modification to Contract No. 43522 with Euthenics, Inc., formerly known as North Shore Engineering, Inc., based on its proposal dated March 26, 2009, for the additional engineering and consulting services necessary to modify and complete plans for rehabilitation of the Madison Avenue Bridge over GCRTA & Norfolk Southern tracks by conversion to a pedestrian/utility bridge, to conform to current ODOT design standards and railroad requirements and to negotiate and acquire all real property rights necessary for the project.

Be it further resolved that under the authority of Ordinance No. 1510-86, and Ordinance No. 1242-92, passed by the Cleveland City Council June 15, 1992, Euthenics, Inc. is selected, upon nomination of the Director of Public Service from a list of firms determined after a full and complete canvass by the Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City to provide professional engineering consulting services necessary for rehabilitation of the West 61st Street Bridge over GCRTA and Norfolk Southern tracks.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with Euthenics, Inc. by means of the second modification to Contract No. 43522 authorized above, based on its March 26, 2009 proposal, for the engineering consulting services necessary design and construction of the rehabilitation of the West 61st Street Bridge, City Bridge No. 1:061M, over GCRTA & Norfolk Southern tracks, to conform to current ODOT design standards and



railroad requirements, and to negotiate and acquire all real property rights necessary for the project.

Be it further resolved that Engineer will perform services for the rehabilitation of the West 61st Street Bridge under the terms and conditions of Contract No. 43522, as modified under the above-authorized second modification.

Be it further resolved that the compensation to be paid to Engineer for the additional services to be performed under the second modification authorized above for both completion of the Madison Avenue Bridge rehabilitation and design and construction of the West 61st Street Bridge rehabilitation shall not exceed \$314,742.00, thereby increasing the total compensation under Contract No. 43522 to \$696,238.00.

Be it further resolved that the employment of the following sub-consultants for the services to be performed under the above-authorized second modification is approved:

G & T Associates  
(CSB/MBE) — \$77,100.00 — (24.50%)

Prime Engineering & Architecture, Inc.  
(CSB) — \$16,345.00 — (5.19%)

ASC Group, Inc.  
(CSB/FBE) — \$14,132.00 — (4.49%)

Resource International, Inc.  
(CSB/FBE) — \$12,443.00 — (3.95%)

Peggy A. Brown  
(CSB/FBE) — \$3,400.00 — (1.08%)

Denise Stallworth Referral Services  
(CSB/FBE) — \$1,040.00 — (0.33%)

O.R. Colan Associates  
\$33,150.00 — (10.53%)

Yeas: Director Triozzi, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Acting Directors H. Smith, Thompson, Wilbur, Directors Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

EXAMINATION RESULTS: Each applicant whether passing or failing

will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

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

REYNALDO GALINDO,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 27, 2009

9:30 A.M.

**Calendar No. 09-44:** 1001 Fairfield Avenue (Ward 13)

Gillota Fuel Products Inc., owner, appeal to establish use/maintain a gas station and repair garage located on a 95' x 66' corner parcel in a General Retail Business District; contrary to Sections 352.08 through 352.11, no landscaping is provided and a 10 foot wide landscaping strip is required along the rear property line where the lot abuts a Residence District and a 4 foot wide landscaping strip is required along the street frontages; and nonconforming to Section 343.18(d) that the width of driveways may not exceed 30 feet; and that a repair garage is first permitted in a Semi-Industry District provided, that the use is not less than 100 feet from a Residence District, according to Section 345.03(c)(2) of the Cleveland Codified Ordinances.

**Calendar No. 09-45:** 3031 Clark Avenue (Ward 14)

Gillota Fuel Products, Inc., owner, appeals to establish use/maintain a gas station and repair garage located on a 69.08' x 100' corner parcel in a General Retail Business District; the existing nonconforming building and use being subject to the provisions of Section 359.01(a) that no expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use; existing conditions and other non-conformities being the absence of a 10 foot wide landscaping strip along the rear property line, 4 foot wide landscaping strips along the street

frontages, a driveway width that exceeds 30 feet and a repair garage use that is first permitted in a Semi-Industry District, provided that it is not less than 100 feet from a Residence District.

**Calendar No. 09-46:** 4661 Broadview Road (Ward 16)

Gillota Fuel Products, Inc., owner, appeal to expand a gas station use to include an auto repair garage located on a 122.32' x 122.32' corner parcel in a Local Retail business District; subject to the limitations of Section 343.01, auto repair use is not permitted and first permitted in a Semi-Industry District provided it is at least 100 feet from a residence district and the proposed use abuts a Multi-Family District at the east rear corner; and nonconforming to Sections 352.09 and 352.10, a 4 foot wide transition strip is proposed contrary to a 10 foot width and a 6 foot wide landscape strip is required where parking abuts the street along Schaaf and Broadview Roads. Contrary to Section 343.15(b)(2) a canopy is proposed less than 2 feet from the property line adjacent to Broadview Road and no structure, including a pump island may be built less than a 20 foot distance from the property line adjacent to the public right of way and two driveways are proposed along Schaaf and Broadview Roads with frontage of less than 130 feet, contrary to Section 343.18(a) where only one driveway is permitted on as lot of land that is less than 150 feet; and 4 additional parking spaces are required for auto repair at one space for every 500 square feet of gross floor area, according to the provisions of Section 349.04(g) of the Cleveland Codified Ordinances.

**Calendar No. 09-49:** 1385 East 36th Street (Ward 13)

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Coin Operated Pool Table License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

**Calendar No. 09-50:** 1385 East 36th Street (Ward 13)

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Coin Operated Amusement Device License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

**Calendar No. 09-51:** 1385 East 36th Street (Ward 13)

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under

the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Dance Hall License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

**Calendar No. 09-52:** 1385 East 36th Street (Ward 13)

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for an Outdoor Restaurant License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

**Calendar No. 09-54:** 1385 East 36th Street (Ward 13)

Tyler Industrial Park, LLC, owner, and Factory Restaurant, Inc. and Jack Miller, tenant, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Music License for the premises at 1385 East 36th Street, as stated in the notice issued March 11, 2009 from the Commissioner of the Cleveland Division of Assessments and Licenses.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, APRIL 13, 2009**

At the meeting of the Board of Zoning Appeals on Monday, April 13, 2009, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 09-38:** 1603 East 43rd Street

Chen Wei Zhuo appealed to erect a single family residence in a Multi-Family District.

**Calendar No. 09-41:** 2154 Thurman Avenue

Charles Slusarczyk, Jr. appealed to erect a 16' x 25' two-story second floor habitable room addition to a single family dwelling in a Multi-Family District.

**Calendar No. 09-23:** 7201 St. Clair Avenue

Don Carter appealed to establish use of an existing gas station as a vehicle repair garage in a Local Retail Business District; subject to conditions.

**Calendar No. 09-33:** 2509 West 25th Street

George Sass appealed to establish use of a vacant parcel as a parking lot in a General Industry District.

The following appeal was **Denied:**

**Calendar No. 09-39:** 1301 Marquette Street, a.k.a. 1301 Hamilton Avenue Bromo Information Technology Ltd. appealed to establish use as a day care including children under five years of age in an existing one-story building in a Semi-Industry District.

The following appeal was **Withdrawn:**

None

The following appeal was **Dismissed:**

None

The following appeals were **Postponed:**

**Calendar No. 08-196:** Riverbed Street and Franklin postponed to October 5, 2009.

**Calendar No. 08-222:** 4301-03 Clark Avenue postponed to May 26, 2009.

**NOTICE OF PROPERTY ADDRESS CORRECTION FOR**

**Calendar No. 09-43:** 3506 Jennings Road postponed from April 20 to May 26, 2009.

The following appeals heard by the Board on April 6, 2009, were adopted and approved on April 13, 2009.

The following appeals were **Approved:**

**Calendar No. 09-32:** 10600-06 Bellaire Road

Badah Holdings LLC, owner, and Nick Abdallah appealed to install a new canopy at an existing gas station in a Local Retail Business District.

**Calendar No. 09-37:** 4400 Skylane Drive

Rita Ann Burdick appealed to erect a one-story addition to an existing one-story accessory garage in a One-Family District.

**Calendar No. 09-7:** 2122-24 West 73rd Street

George Smee appealed to change from a legal nonconforming service station to an auto repair use an existing building in a Local Retail Business District.

The following appeal was **Denied:**

**Calendar No. 09-36:** 2232 Rockwell Avenue

RRST, an Ohio Partnership and Robert McMeechan, owner, appealed to establish use as an adult cabaret in a one-story building in a Semi-Industry District.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing By the Council Committee On City Planning**

**Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, April 29, 2009 1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, April 29, 2009, at 1:00 p.m., to consider the following ordinance now pending in the Council:

**Ord. No. 280-09.**

By Council Member Cimperman. An ordinance to change the Use District of land on the southeast corner of East 30th Street and Saint Clair Avenue to Residence Office. (Map Change No. 2272 Sheet No. 4).

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

Joseph C. Cimperman  
Chairman  
Committee on City Planning

April 15, 2009 and April 22, 2009

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing**

to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

**WEDNESDAY, APRIL 22, 2009**

**File No. 60-09 — Summer Food Program (Breakfasts and Lunches),** for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 159-09, passed by the Council of the City of Cleveland, March 9, 2009.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 17, 2009 AT 10:00 A.M., THE CLEVELAND CITY HALL, ROOM 8, 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. 61-09 — Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes,** for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 159-09, passed by the Council of the City of Cleveland, March 9, 2009.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 17, 2009 AT 10:30 A.M., THE CLEVELAND CITY HALL, ROOM 8, 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.**

April 8, 2009 and April 15, 2009

**THURSDAY, APRIL 23, 2009**

**File No. 62-09 — Various Pool Chemical, Relocation and Transporting of Various Swimming Pool Chemicals for Various Recreation Centers Throughout Cleveland,** for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 17, 2009 AT 11:30 A.M., THE CLEVELAND CITY HALL, ROOM 8, 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.**

April 8, 2009 and April 15, 2009

**FRIDAY, APRIL 24, 2009**

**File No. 58-09 — Henninger Avenue Sewer Replacement Project,** for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 550-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 17, 2009 AT 9:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

April 8, 2009 and April 15, 2009

**FRIDAY, MAY 1, 2009**

**File No. 63-09 — Purchase of Outdoor Electronic Display System,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1655-08, passed by the Council of the City of Cleveland, December 8, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 17, 2009 AT 2:30 P.M., THE CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO, 44114.

April 8, 2009 and April 15, 2009

**THURSDAY, MAY 7, 2009**

**File No. 59-09 — Purchase of Ring Communications Standalone Crash Phone System Including Installation and Testing,** for the Division of Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 814-08, passed by the Council of the City of Cleveland, July 2, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 24, 2009 AT 10:00 A.M., THE BURKE LAKEFRONT AIRPORT, MAIN TERMINAL BUILDING, ROOM 106, NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

April 8, 2009 and April 15, 2009

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 459-09.**  
**By Council Member Cimperman.**  
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 6710 St. Clair Avenue and repealing Resolution No. 213-09, objecting to said transfer.

Whereas, this Council, objected to the transfer of ownership of a C2 and C2X Liquor Permit to Dawn's Market & Deli, LLC, DBA Dawn's Market & Deli, 6710 St. Clair Avenue, Cleveland, Ohio 44103, Permanent No. 1981720, by Resolution No. 213-09 adopted by the Council on February 23, 2009; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Dawn's Market & Deli, LLC, DBA Dawn's Market & Deli, 6710 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 1981720 be and the same is hereby withdrawn and Resolution No. 213-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 6, 2009.

Effective April 9, 2009.

**Res. No. 460-09.**  
**By Council Member Cleveland.**  
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 7002 Cedar Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Cedar 70, Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1351124 to Cedarcrest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1350137; 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 rea-

sonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Cedar 70, Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1351124 to Cedarcrest Foods, Inc., DBA Cedar Crest Foods, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1350137; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions

of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 6, 2009.  
Effective April 9, 2009.

**1:30 p.m.**

**Legislation Committee and Finance Committee:** Present in Legislation: Keane, Vice Chair; Reed, Dow, Wilkes, Pierce Scott. *Authorized Absence:* Cleveland, Chair; Cimperman.

Present in Finance: Sweeney, Chair; Brady, Conwell, Keane, Pierce Scott, Brancatelli, Westbrook, Kelley, Coats. *Authorized Absence:* Cimperman, Vice Chair; Cleveland. *Pro tempore:* Wilkes.

**2:00 p.m.**

**Finance Committee:** Present: Sweeney, Chair; Brady, Conwell, Keane, Pierce Scott, Brancatelli, Cleveland, Westbrook, Coats, Kelley. *Authorized Absence:* Cimperman, Vice Chair.

**Wednesday, April 15, 2009  
10:00 a.m.**

**Aviation and Transportation Committee:** Present: Kelley, Chair; Keane, Vice Chair; Brancatelli, Westbrook, Mitchell, Dow. *Authorized Absence:* Cleveland. *Pro tempore:* Pruitt.

**1:30 p.m.**

**Public Utilities Committee:** Present: Zone, Chair; Reed, Vice Chair; Polensek, Cummins, Keane, Kelley, Westbrook, Santiago. *Unauthorized Absence:* Wilkes.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 13, 2009  
11:00 a.m.**

**Public Service Committee:** Present: Brady, Chair; Pruitt, Vice Chair; Polensek, Wilkes, Johnson, Santiago, Reed. *Authorized Absence:* Cleveland, Cummins.

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