

The City Record

Official Publication of the Council of the City of Cleveland



May the Nineteenth, Two Thousand and Ten

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

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

Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record

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Vol. 97

WEDNESDAY, MAY 19, 2010

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CITY COUNCIL

MONDAY, MAY 17, 2010

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

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 17, 2010

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

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

Also present were Darnell Brown, Chief Operating Officer; Valarie J. McCall, Chief of Government Affairs; Chris Warren, Chief of Regional Development; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Andrew Watterson, Chief of Sustainability; Natoya J. Walker Minor, Chief of Public Affairs; and Directors Triozzi, Dumas, Withers, Wasik, Carroll, Flask, Cox, Rush, Rybka, Nichols, Fumich, Griffin, Brown, Interim Directors Nycole D. West and John D. Mahone, and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Rev. Doug Horner of St. Paul Community Church, 4427 Franklin Boulevard, located in Ward 15 and Rev. Jose Reyes of Iglesia Nueva Vida, 2327 Holmden Avenue, located in Ward 15. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 678-10.

May 17, 2010

Sandra Franklin
First Assistant Clerk
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Ms. Franklin:

You are requested by Cleveland City Council, without objection, to serve as Clerk of Council Pro Tempore for the purposes of the May 17, 2010 Council meeting, due to the absence of Patricia J. Britt, Clerk of Council.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney
Council President

Received.

File No. 679-10.

From Council Member Joe Cimperman, Ward 3 — Memo recusing himself from voting on Ordinance No. 466-10. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 680-10.

Re #624727 — C1 New Application — Murray Hill Market, LC, d.b.a. Murray Hill Market, 2072 Murray Hill Road. (Ward 9). Received.

File No. 681-10.

Re #64224284 — C1, C2 Transfer of Ownership Application — Nima Beverage, Inc., d.b.a. Ramada Deli, 1st FL., 980-06-08 Almira Avenue. (Ward 16). Received.

File No. 682-10.

Re #27590401 — D5, D6 Stock Transfer Application 5421 Fleet Avenue, LC, 3314 Warren Road. (Ward 19). Received.

CONDOLENCE RESOLUTION

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

Res. No. 683-10 — Melvin James White.

CONGRATULATION RESOLUTIONS

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

Res. No. 684-10—Case School/Windows Public Art Project.

Res. No. 685-10 — St. Stephen Roman Catholic Church.

RECOGNITION RESOLUTIONS

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

Res. No. 686-10 — National Emergency Medical Services Week 2010.

Res. No. 687-10 — Maribor Rotary Club.

Res. No. 688-10—The Huber-Westfall Garden.

APPRECIATION RESOLUTIONS

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

Res. No. 689-10—Rose Collins.

Res. No. 690-10—Bettie Ford.

Res. No. 691-10—Karl J. Ertle II.

COMMEMORATION RESOLUTION

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

Res. No. 692-10—Alice Marie Dawson.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 649-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Campus EAI for professional services necessary to host and support the City's web site, for a period of two years, with three one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Campus EAI for professional services necessary to host and support the City's web site, for a period two years, with three one-year options to renew, exercisable by the Director of Finance, in the total sum of \$98,000, for the Department of Finance. The contracts or contracts shall be paid from Fund No. 01-1511-6320, Request No. RQS 1511 RL 2010-104.

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. 650-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with OneCommunity, or in the alternative, to enter into one or more amendments to Contract No. 63158 with OneCommunity both to provide professional services necessary to supply the City of Cleveland buildings with high-speed digital data access to the Internet, for a period up to two years, with three one-year options to renew, exercisable by the Director of Finance; and to enter into a non-exclusive subscriber services agreement with OneCommunity.

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 contracts with OneCommunity for professional services necessary to supply the City of Cleveland buildings with high-speed digital data access to the Internet, for a period up to two years, with three one-year options to renew, exercisable by the Director of Finance.

Section 2. That, in the alternative, the Director of Finance is authorized to enter into one or more amendments to Contract No. 63158 with OneCommunity to provide continuing services necessary to supply the City of Cleveland buildings with high-speed digital data access to the Internet, for a period up to two years, with three one-year options to renew, exercisable by the Director of Finance.

Section 3. That the Director of Finance is authorized to enter into a non-exclusive subscriber services agreement with OneCommunity.

Section 4. That the contracts or contract amendments shall be paid from Fund No. 01-6320-1511, RQS 1511 RL 2010-105.

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

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

Ord. No. 651-10.

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

An emergency ordinance to amend Section 5 of Ordinance No. 480-09, passed June 1, 2009, relating to applying for and accepting grants and gifts from public and private entities for the Municipal Solid Waste-to-Energy plant at the Ridge Road Transfer Station and autho-

rizing 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 Section 5 of Ordinance No. 480-09, passed June 1, 2009, is amended to read as follows:

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

Section 2. That existing Section 5 of Ordinance No. 480-09, passed June 1, 2009, is repealed.

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

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

Ord. No. 652-10.

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

An emergency ordinance giving consent of the City of Cleveland to the Board of Cuyahoga County Commissioners for the replacement of Cedar Road bridge No. 229 over Doan Brook; authorizing the Director of Public Service to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: replacement of the Cedar Road Bridge No. 229 over Doan Brook (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the

County not eligible or made necessary by the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the County necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency; and

(f) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

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

(b) That in the event any additional right-of-way is required for the Improvement the County will arrange for its acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not

comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid manual are met.

(j) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

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

Section 7. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County standards for construction of County roads and bridges.

(b) That the County will arrange for the supervision and administration of the construction contract.

(c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items are approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction, the cost of preliminary and design engineering, and construction supervision.

(d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

Section 8. That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement, and to enter into one or more agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That the Clerk of Council is authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

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

Ord. No. 653-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the lease agreement between the City of Cleveland and Nehst Creations, LLC to extend the lease term up to an additional year and to make other changes to allow access to certain portions of the Convention Center and Convention Center Garage, for film production purposes.

Whereas, under Ordinance No. 1617-08, passed November 17, 2008, this Council authorized the Director of Parks, Recreation and Properties to enter into a lease agreement with Nehst Creations, LLC to use and occupy space located in the Cleveland Convention Center, portions of Exhibit Halls A, B, C, and D, and up to 36 parking spaces in the Convention Center Garage for motion picture production purposes; and

Whereas, the lease agreement provided that the lease may be extended until such time as the General Assembly adopts legislation establishing motion picture tax credits; and

Whereas, the General Assembly adopted motion picture tax credit legislation; and

Whereas, both the City of Cleveland and Nehst Creations, LLC desire to amend the lease agreement

to extend the lease for up to one year on a month to month basis and to make other changes as determined by the Director of Parks, Recreation and Properties; 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 Parks, Recreation and Properties is authorized to enter into an amendment to the lease agreement between the City of Cleveland and Nehst Creations, LLC to extend the term of the lease for up to an additional one-year period on a month-to-month basis and to make such other changes to the lease as the Director deems necessary.

Section 2. That the amendment to the lease agreement authorized by this ordinance shall be prepared by the Director of Law and shall contain such additional terms and conditions as he deems necessary to protect and benefit the public interest.

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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Properties and Recreation, City Planning Finance.

Ord. No. 654-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property in the Cleveland Municipal Parking Lot to The Cleveland Clinic Foundation for the purpose of parking, for a term not to exceed sixty months.

Whereas, the City of Cleveland owns certain property known as the Cleveland Municipal Parking Lot, a portion of which is not needed for public use; and

Whereas, The Cleveland Clinic Foundation has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to The Cleveland Clinic Foundation ("Lessee"), certain property which is not needed for public use for the term of the lease: not to exceed 1,000 parking spaces in the Cleveland Municipal

Parking Lot (east) located on the south side of the Cleveland Shoreway on South Marginal Road, more fully described on the map placed in File No. 654-10-A.

Section 2. That the term of the lease authorized by this ordinance shall not exceed sixty months.

Section 3. That the property described above shall be leased at a rental of \$40.00 per space per month which is determined to be fair market value.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

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

Ord. No. 655-10.

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

An emergency ordinance to amend the title, the first whereas clause, and Sections 1 and 8 of Ordinance No. 683-09, passed May 18, 2009, relating to the sale of the Convention Center and Malls B and C to the County of Cuyahoga for the purposes of developing a Medical Mart facility and new Convention Center.

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

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

Section 1. That the title, the first whereas clause, and Sections 1 and 8 of Ordinance No. 683-09, passed May 18, 2009, are amended to read as follows:

An Emergency Ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use known as Malls B and C, **certain land immediately north of Mall C to the adjacent southern boundary of the railroad right-of-way, and the current convention center facility located underground beneath Malls B and C** to the County of Cuyahoga, for purposes of developing a Medical Mart facility

and a new Convention Center; authorizing the Director of Parks, Recreation and Properties to reserve certain easement interests in Malls B and C for the purpose of creating and maintaining public park space **and reserving certain easement interests as appropriate in the land immediately north of Mall C to the adjacent southern boundary of the railroad right-of-way;** authorizing the Director to enter into one or more agreements with the Commissioners of Cuyahoga County regarding the redevelopment and operations of the property; and authorizing the Director of Finance to enter into an agreement with a local foundation to manage a City of Cleveland College Scholarship Fund established by the foundation for graduates of Cleveland Metropolitan School District; and authorizing the Director of Public Service to issue a permit to Cuyahoga County Commissioners, or their designee, to encroach above, upon and below public rights-of-way immediately adjacent to and within the areas described in this ordinance.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property known as Malls B and C, **certain land immediately north of Mall C to the adjacent southern boundary of the railroad right-of-way,** and the current convention center facility located underground beneath Malls B and C ("Convention Center Complex") to the Commissioners of Cuyahoga County, on behalf of the County of Cuyahoga (the "County") which is no longer needed for public use, for purposes of developing a Medical Mart facility and a new Convention Center; and

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the property known as Malls B and C, **certain land immediately north of Mall C to the adjacent southern boundary of the railroad right-of-way,** and the current convention center facility located underground beneath Malls B and C (the "Convention Center Complex") also depicted on the map placed in the file mentioned below, is no longer needed for public use.

Section 8. That the Director of Parks, Recreation and Properties is authorized to enter into one or more agreements with the County regarding the development and future use and operations of the Convention Center Complex, which shall contain the terms substantially that are in the **May 14, 2010** Letter of Intent from the County, File No. **683-09-C.** A copy of the Definitive Agreement referenced in the Letter of Intent shall be deposited in the file upon its execution.

Section 2. That the existing title, the first whereas clause, and Sections 1 and 8 of Ordinance No. 683-09, passed May 18, 2009, are repealed.

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

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

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

Ord. No. 656-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

Section 2. That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of the contracts shall not exceed \$5,953,000, and shall be paid from Fund Nos. 19 SF 630, 19 SF 640, 14 SF 035, and 14 SF 036. Request No. RQS 2008, RL 2010-107.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund Nos. 14, and 19 and utilize said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and Fund 19. The revenues generated as a result of charging fees are hereby appropriated for additional program and operating

expenses for Housing Trust Fund activities.

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

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

Ord. No. 657-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, for the acquisition, rehabilitation or construction of housing units for low income persons through the Community Housing Development Organization (CHDO) Affordable Low Income Rental Housing Program.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the acquisition, rehabilitation or construction of housing units for low income persons through the Community Housing Development Organization (CHDO) Affordable Low Income Rental Housing Program.

Section 2. That the cost of the agreement or agreements authorized shall not exceed \$1,740,000 and shall be paid from fund No. 19 SF 630 and 19 SF 640, Request No. RQS 8006, RL 2010-106.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

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

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

Ord. No. 658-10.

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

An emergency ordinance to amend Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 458-08, passed April 28, 2008, relating to land reutilization programs.

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 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 458-08, passed April 28, 2008, is amended to read as follows:

Section 183.021 Land Reutilization Programs

(a) Residential Land Bank.

(1) The Director of Community Development shall administer a Land Reutilization Program for residential property established under Chapter 5722 of the Revised Code and adopted and implemented by Ordinance 2076-76, passed October 25, 1976, and shall perform the duties specified in Chapter 5722.06 of the Revised Code. Land acquired as part of the Land Reutilization Program for residential property may be referred to as Residential Land Bank property. If Residential Land Bank property is sold, it shall be sold according to the terms of Chapter 5722 of the Revised Code, without competitive bidding, for not less than fair market value, with reference to such terms and conditions, restrictions and covenants to assure the effective reutilization of the land, as the Board of Control shall authorize, and the land shall be conveyed notwithstanding any other provisions of the Codified Ordinances to the contrary.

(2) If a member of Council disapproves in writing to the use of the process described in division (a)(3) for selling property in the Residential Land Bank in his or her ward and files written disapproval in File No. 1547-90-A, then that process shall not be used for the selling of the property in his or her ward.

(3) The Commissioner of Purchases and Supplies when directed by the Director of Community Development with the prior consent of the member or members of Council in whose ward or wards the land to be sold is located, is authorized to sell any land in the Residential Land Bank to an abutting or adjacent landowner if the land is either less than forty-eight hundred (4,800) square feet or less than forty (40) feet of street frontage and if the landowner purchasing the land is neither tax delinquent or has any existing Building or Housing Code violations. The consideration for any land sold under the authority of this division shall be fixed by the Board of Control in accordance with division (a)(1) of this section. Each instrument of conveyance shall contain provisions and use restrictions as Council deems necessary or appropriate to protect the interests of the neighborhood and the City.

(4) Any land in the Residential Land Bank that is not authorized to be sold by the Director of Community Development in accordance with division (a)(3) of this section shall only be sold when authorized by ordinance passed by the Council.

(5) Before the acquisition of any residential property with multiple parcels into the Residential Land

Bank, the Director of Community Development shall conduct all appropriate inquiries in accordance with rules adopted by the United States Environmental Protection Agency under the requirements of the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. No. 107-118, 115 stat. 2356).

(b) *Industrial-Commercial Land Bank.*

(1) The Director of Economic Development shall administer a Land Reutilization Program for industrial and commercial property established under Chapter 5722 of the Revised Code and adopted and implemented by Ordinance 2076-76, passed October 25, 1976, and shall perform the duties specified in Chapter 5722.06 of the Revised Code. Land, **including residential properties**, acquired as part of the Land Reutilization Program for industrial and commercial property may be referred to as Industrial-Commercial Land Bank property. If Industrial-Commercial Land Bank property is sold, it shall be sold according to the terms of Chapter 5722 of the Revised Code, without competitive bidding, for not less than fair market value, with reference to such terms and conditions, restrictions and covenants to assure the effective reutilization of the land, as the Board of Control shall authorize, and the land shall be conveyed notwithstanding any other provisions of the Codified Ordinances to the contrary.

(2) If a member of Council disapproves in writing to the use of the process described in division (b)(3) for selling property in the Industrial-Commercial Land Bank in his or her ward and files written disapproval in File No. 1547-90-A, then that process shall not be used for the selling of the property in his or her ward.

(3) The Commissioner of Purchases and Supplies when directed by the Director of Economic Development with the prior consent of the member or members of Council in whose ward or wards the land to be sold is located, is authorized to sell any land in the Industrial-Commercial Land Bank to an abutting or adjacent landowner if the land is either less than forty-eight hundred (4,800) square feet or less than forty (40) feet of street frontage and if the landowner purchasing the land is neither tax delinquent or has any existing Building or Housing Code violations. The consideration for any land sold under the authority of this division shall be fixed by the Board of Control in accordance with division (b)(1) of this section. Each instrument of conveyance shall contain provisions and use restrictions as Council deems necessary or appropriate to protect the interests of the neighborhood and the City.

(4) Any land in the Industrial-Commercial Land Bank that is not authorized to be sold by the Director of Economic Development in accordance with division (b)(3) of this section shall only be sold when authorized by ordinance passed by the Council.

(5) The Director of Economic Development is authorized to deposit the proceeds from the sale of any industrial or commercial property

from the Industrial-Commercial Land Bank into Special Revenue Fund No. 17 SF 965. This fund shall be used for costs associated with acquisition and disposition of industrial and commercial property as part of this Land Reutilization Program. Further, funds received by the City of Cleveland as a result of direct insurance claim settlements, cost recovery efforts initiated by the Land Reutilization Program for industrial and commercial property, demolition or remediation actions as a result of the Program, and grants, donations or any other sources pledged to the Program shall be deposited in Special Revenue Fund No. 17 SF 965.

(6) The Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental insurance, environmental investigations, remediation, and all other costs necessary for the acquisition and disposition of the property **including costs and fees for agents to conduct acquisition activities, and to comply with any applicable Federal or state regulatory requirements.** That the costs of these contracts shall be paid from Fund 17 SF 965 and from any other funds or subfunds which are appropriated for this use.

(7) Before the acquisition of any industrial or commercial property into the Industrial-Commercial Land Bank, the Director of Economic Development shall conduct all appropriate inquiries in accordance with rules adopted by the United States Environmental Protection Agency under the requirements of the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. No. 107-118, 115 stat. 2356).

Section 2. That existing Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 458-08, passed April 28, 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 Economic Development, Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Legislation, Finance.

Ord. No. 659-10.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the United States Environmental Protection Agency under the Brownfield Area-Wide Planning Pilot Program; and authorizing the Director to employ one or more professional consultants to prepare the redevelopment plan.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant or grants, from the United States Environmental Protection Agency under the Brownfield Area-Wide Planning Pilot Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the Executive Summary for the grant contained in the file described below.

Section 2. That the Executive Summary for the grant, File No. 659-10-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare the redevelopment plan.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Economic Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Economic Development 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 Economic Development, and certified by the Director of Finance.

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

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

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

Ord. No. 660-10.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 64214 with Sterling Telecom Office Building LLC to extend the term of the loan for one year.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 64214 with Sterling Telecom Office Building LLC to extend the term of the loan for one year under the terms placed in File No. 660-10-A.

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

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

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

Ord. No. 661-10.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more contracts with URS Corporation - Ohio, or in the alternative, to enter into one or more amendments to Contract No. 63915 with URS Corporation - Ohio both to provide professional services necessary to complete remediation work on the Midland Steel site.

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

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

Section 1. That the Director of Economic Development is authorized to enter into one or more contracts with URS Corporation - Ohio for professional services necessary to complete remediation work on the Midland Steel site, in a sum up to \$200,000, for the Department of Economic Development.

Section 2. That, in the alternative, the Director of Economic Development is authorized to enter into one or more amendments to Contract No. 63915 with URS Corporation - Ohio to provide continuing services necessary to complete remediation work on the Midland Steel site, in a sum up to \$200,000, for the Department of Economic Development.

Section 3. That the contracts or contract amendments shall be paid from the fund or funds which are credited the grant proceeds received under Ordinance No. 463-09, passed April 20, 2009, and are appropriated for this purpose.

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

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

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

Ord. No. 662-10.

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

An emergency ordinance to amend the title and the fourth whereas clause of Ordinance No. 700-08, passed June 9, 2008, relating to the transfer, lease, and sale of the Trinity Property.

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

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

Section 1. That the title and the fourth whereas clause of Ordinance No. 700-08, passed June 9, 2008, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Community Development to transfer Permanent Parcel No. 001-30-006, to the control, possession, and use of the Department of Economic Development for environmental remediation and development; authorizing the Director of Economic Development to enter into a lease with option to purchase a portion of the property, to Penstan Limited, for a period of up to five years, with two five-year options to renew, exercisable by the Director of Economic Development; authorizing the Commissioner of Purchases and Supplies to sell approximately 0.62 acres of City-owned property no longer needed for public use located within the transferred property to Penstan Limited, for the purpose of development.

Whereas, once under the control of the Department of Economic Development, the Director will enter into a lease with option to purchase, with adjacent owner, Penstan Limited ("Penstan"), of a 0.62-acre portion of the Trinity Property, for a period not to exceed five years, with two five-year options to renew, exercisable by the Director of Economic Development, for the purpose of Penstan using the property as an access driveway to their existing facility or for future expansion of their facility; and

Section 2. That the existing title and the fourth whereas clause of Ordinance No. 700-08, passed June 9, 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 665-10.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts bidding with Greenstar Pittsburgh, LLC for the processing recyclable materials and for processing of recyclable waste material at a contractor's facility, for the Department of Public Service, for a period of two years.

Whereas, under authority of Ordinance No. 543-09, the City received bids for the processing of recyclable materials; and

Whereas, Greenstar Pittsburgh, LLC was determined to be the lowest and best bidder; and

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

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

Section 1. That this Council finds that Greenstar Pittsburgh, LLC is the lowest and best bidder and that the Director of Public Service is authorized to make one or more written requirement contracts with Greenstar Pittsburgh, LLC, for the requirements for a period of two years, for the processing of recyclable materials and for processing of recyclable waste material at a contractor's facility.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL RQN 4003 RL 2010-23)

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

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

Ord. No. 666-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the rental and laundry of work clothing, for the various divisions of City government, for a period of three years, with two one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement con-

tracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of three years, with two-one year options to renew, exercisable by the Director of Finance, for the necessary items of the rental and laundry of work clothing in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (Request No. RQN 1505 RL 2010-25)

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

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

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

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

Ord. No. 663-10.

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for the rehabilitation of the Lake Avenue and West 76th Street pedestrian tunnels; authorizing the Director of Public Service to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: rehabilitation of the Lake Avenue pedestrian tunnel and the West 76th Street pedestrian tunnel beneath the West Shoreway (SR 2/US Routes 6 and 20) and Norfolk Southern Railroad, including the construction of associated pedestrian ramps, lighting improvements and landscaping, lying within the City of Cleveland (the "Improvement").

Section 2. That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation, and less the State's portion of the cost of the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency; and

(f) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

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

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

(c) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the State.

(d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the reimbursement provisions of ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(e) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(f) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

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

Section 7. That this Council authorizes payment to the State of the City's share of the Improvement from Fund No. 52 SF 001, Request No. RQS 4004 RL 2010-114.

Section 8. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

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

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

Ord. No. 664-10.

By Council Member J. Johnson.

An emergency ordinance designating Columbia Avenue between East 102nd Street eastbound to East 105th Street with a secondary and honorary designation of "Alice M. Dawson Way".

Whereas, Mrs. Alice Marie Dawson served the Glenville community as a dedicated citizen for sixty years until she went to her eternal rest and reward on February 4, 2010, at the beautiful age of 87; and,

Whereas, working hard to help support her family, Alice devoted 10 years working at Delonds, followed by 20 years of dedicated service with the Cleveland Board of Education assisting with nutritional needs at Columbia Elementary and Michael R. White Elementary schools; and

Whereas, Alice distinguished herself as an outstanding citizen by her active involvement in her church and community, by helping others and making people smile, and received many awards for her tireless efforts; and

Whereas, Alice's proudest moment was being able to see her grandson, Arcie, not only graduate from high school, but from college as well; and

Whereas, She was also a freedom rider that led the way to the first black president; and

Whereas, the citizens of Glenville want to honor Mrs. Alice M. Dawson as a token of their appreciation by designating Columbia Avenue between East 102nd Street eastbound to East 105th Street as "Alice M. Dawson Way"; and,

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

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

Section 1. That Columbia Avenue between East 102nd Street eastbound to East 105th Street is designated with a secondary and honorary designation of "Alice M. Dawson Way".

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 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 passage.

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

Ord. No. 667-10.

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, for the period from May 25, 2010 to June 28, 2010 inclusive, publicizing the Fifth 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 25, 2010 to June 28, 2010 inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 668-10.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from June 1, 2010 to June 30, 2010, inclusive, publicizing the Church 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 the Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit and 7775 Detroit Avenue for the period from June 1, 2010 to June 30, 2010, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 676-10.

By Council Member Brancatelli.

An emergency ordinance authorizing the Director of the Department of Public Health to enter into an agreement with the Slavic Village Development Corporation for a Noise Abatement Survey Study through the use of Ward 12 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Public Health is hereby authorized to enter into an agreement with the Slavic Village Development Corporation for the Noise Abatement Survey Study for the public purpose of determining if a noise nuisance exists in the East 63rd Street Slavic Village Neighborhood area in the city of Cleveland through the use of Ward 12 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,700 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 669-10.

By Council Member Cleveland.

An emergency resolution to amend Resolution No. 566-10 adopted April 26, 2010 relating to supporting the MidTown Cleveland, Inc.'s application to the State of Ohio Job Ready

Sites Program for the Euclid Tech Center Project at 6700 Euclid Ave., Cleveland Ohio 44103.

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 Resolution No. 566-10 adopted April 26, 2010 is hereby amended to include the following "whereas" clause as follows:

Whereas, the City of Cleveland supports the provision of service to the Euclid Tech Center facility from all municipally owned and/or controlled utilities including Cleveland Public Power, Cleveland Water Pollution Control and Cleveland Division of Water assets as necessary and feasible at capacities specified by the State of Ohio Job Ready Sites Program and confirmed with each utility in writing obtained by the applicant; and

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Ohio Department of Development, MidTown Cleveland, Inc. and LCA 6700 Euclid, LLC.

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

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

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

Res. No. 670-10.

By Council Members Conwell, Dow, Miller, Keane, K. Johnson, Zone, Westbrook, Polensek and Mitchell.

An emergency resolution urging that the Cleveland Metropolitan School District and the CMSD Board develop and make public a safety and security plan for the school buildings that are already closed and those that soon will be closed, which plan shall include the creation of a fund to be used to reimburse the City of Cleveland for any demolition, boarding up, repairing or otherwise securing of the properties that may be performed by the City.

Whereas, the Cleveland Metropolitan School District (CMSD) intends to demolish 25 buildings, including 13 of 16 schools scheduled to close in June; and

Whereas, the demolition apparently includes buildings already closed by CMSD and left vacant for years; and

Whereas, although CMSD says it will demolish these 25 buildings, CMSD has not given a time frame when such demolitions will be accomplished and some schools that have been closed previously are still sitting vacant; and

Whereas, vacant school buildings have been and will continue to be a huge maintenance and security problem for residents of those neighbor-

hoods and for the City as a whole; and

Whereas, CMSD has not provided adequate maintenance or security for school buildings previously closed; and

Whereas, unless CMSD provides security for and adequately maintains the closed school buildings prior to demolition, then the City of Cleveland will be obligated to do so, for the safety and security of its neighborhoods and citizens living there; and

Whereas, the City of Cleveland should be reimbursed for all services performed in keeping the vacant school buildings safe and secure; and

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

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

Section 1. That this Council hereby urges that the Cleveland Metropolitan School District and the CMSD Board develop and make public a safety and security plan for the school buildings that are already closed and those that soon will be closed, which plan shall include the creation of a fund to be used to reimburse the City of Cleveland for any demolition, boarding up, repairing or otherwise securing of the properties that may be performed by the City.

Section 2. That the Clerk is directed to transmit certified copies of this resolution to Eugene Sanders, CEO, Cleveland Metropolitan School District and all members of the CMSD Board.

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

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

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

Res. No. 671-10.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 2121-23 East 2nd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Chick Buds, LLC, DBA Cleats Gateway, 1st floor only, 2121-23 East 2nd Street, Cleveland, Ohio 44115, Permanent Number 1426024 to PJ Mag Enterprises, Inc., DBA Cleats Gateway, 1st floor only, 2121-23 East 2nd Street, Cleveland, Ohio 44115, Permanent Number 5655530; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Chick Buds, LLC, DBA Cleats Gateway, 1st floor only, 2121-23 East 2nd Street, Cleveland, Ohio 44115, Permanent Number 1426024 to PJ Mag Enterprises, Inc., DBA Cleats Gateway, 1st floor only, 2121-23 East 2nd Street, Cleveland, Ohio 44115, Permanent Number 5655530; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 672-10.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 526 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Bar One Sushi, Inc., DBA Bar One Sushi, 1st floor and basement, 526 Superior Avenue, Suite 101, Cleveland, Ohio 44114, Permanent Number 0435370 to SWB Bar One, LLC, DBA The Leader Lounge, 1st floor and basement, 526 Superior Avenue, Suite 101, Cleveland, Ohio 44114, Permanent Number 7655380; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Bar One Sushi, Inc., DBA Bar One Sushi, 1st floor and basement, 526 Superior Avenue, Suite 101, Cleveland, Ohio 44114, Permanent Number 0435370 to SWB Bar One, LLC, DBA The Leader Lounge, 1st floor and basement, 526 Superior Avenue, Suite 101, Cleveland, Ohio 44114, Permanent Number 7655380; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency

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

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

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

Res. No. 673-10.
By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 2000 Sycamore Street, Unit 121.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Revir, LLC, DBA Riverwalk Café, 2nd floor NE Patio and Atrium, 2000 Sycamore Street, Unit 121, Cleveland, Ohio 44113, Permanent Number 7315537 to PSR Acquisition, LLC, DBA Windows on the River, 2nd floor NE Patio & Atrium, 2000 Sycamore Street, Unit 121, Cleveland, Ohio 44113, Permanent Number 66279870010; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Revir, LLC, DBA Riverwalk Café, 2nd floor NE

Patio and Atrium, 2000 Sycamore Street, Unit 121, Cleveland, Ohio 44113, Permanent Number 7315537 to PSR Acquisition, LLC, DBA Windows on the River, 2nd floor NE Patio & Atrium, 2000 Sycamore Street, Unit 121, Cleveland, Ohio 44113, Permanent Number 66279870010; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 674-10.
By Council Member Zone.
An emergency resolution supporting the Cleveland Public Theatre's application to the Department of Development Brownfield Revolving Loan Fund for the Cleveland Public Theatre Rehabilitation Project, and encouraging the Department of Development to fund this innovative and worthwhile project.

Whereas, The State of Ohio, through the Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

Whereas, Cleveland Public Theatre is submitting a Brownfield Revolving Loan Fund Program Application to complete eligible activities, including but not limited to the performance of remedial activities at the Cleveland Public Theatre Rehabilitation Project; and

Whereas, the Cleveland Public Theatre Rehabilitation Project is an approximately 1.48 acre property located principally at 6415 Detroit Avenue, identified as Permanent Parcel Numbers 002.16.015, 002.16.016, 002.16.017, 002.16.018, 002.16.019, 002.16.020, 002.16.013, and 002.16.014, and located within the boundary of the City of Cleveland's Ward 15; and

Whereas, Cleveland Public Theatre intends to remediate asbestos at the property to allow future redevelopment; and

Whereas, Councilman Matt Zone is committed to working with Cleveland Public Theatre to pursue the remediation and redevelopment of the property; and

Whereas, the Brownfield Revolving Loan Fund grant is vital to making the completion of the Cleveland Public Theatre Rehabilitation Project economically feasible; and

Whereas, this resolution constitutes an emergency measure for the

immediate preservation of public peace, property, health or safety, now, therefore,

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

Section 1. That this Council supports the Cleveland Public Theatre's application to the Department of Development Brownfield Revolving Loan Fund for the Cleveland Public Theatre Rehabilitation Project, and encouraging the Department of Development to fund this innovative and worthwhile project.

Section 2. That the Clerk of Council is directed to send a copy of this resolution to the Cleveland Public Theatre.

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

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

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

Res. No. 675-10.
By Council Members Zone, Pruitt, Mitchell, Cleveland, Brady, Cummins, J. Johnson, Cimperman, Westbrook and Conwell.

An emergency resolution calling upon United States Congress to pass Comprehensive Immigration Reform that will solve the problem of undocumented immigration at its roots instead of through piecemeal enforcement-only measures, and opposing Arizona's Senate Bill 1070.

Whereas, a comprehensive approach to solve our broken immigration system is necessary to meet the dual goals of ensuring a thriving and secure community and economy in the United States and protecting the human and civil rights of immigrants; and

Whereas, comprehensive immigration reform should include the following elements: (1) an earned path to citizenship that requires currently undocumented immigrants living in the United States to register with the government, begin learning English, pay taxes, and pass a background check; (2) improvement of the economic situation of all workers in the United States; (3) the implementation of enforcement measures targeted at violators of immigration and labor laws and those who represent real threats to our nation's safety; (4) prioritizing immigrant integration into our country; (5) respect for the due process rights of everyone in the United States; and (6) adjusting quotas for future flows of immigrants, including family reunification; and

Whereas, enforcement-based immigration strategies for the past two decades have mostly failed in deterring unauthorized migration despite the allocations of hundreds of millions of federal tax dollars; and

Whereas, our city is facing difficult budget cuts and critical services such as police, fire, schools and transportation would benefit

from the additional tax revenue generated by a program of comprehensive immigration reform with an earned path to citizenship; and

Whereas, this Council encourages President Barack Obama and the U.S. Congress to pass a Comprehensive Immigration Reform bill that keeps families together, upholds our values as Americans, promotes economic growth and fixes the broken immigration system for the long-term; and

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

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

Section 1. That this Council calls upon United States Congress to pass Comprehensive Immigration Reform that will solve the problem of undocumented immigration at its roots instead of through piecemeal enforcement-only measures, and opposing Arizona's Senate Bill 1070.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to President Barack Obama, Speaker Nancy Pelosi, House Minority Leader John Boehner, Senate Majority Leader Harry Reid, Senate Minority Leader Mitch McConnell, Senator Chuck Schumer, Senator Lindsey Graham, Senator Richard Durbin, Senator George Voinovich, Senator Sherrod Brown, Representatives Dennis Kucinich, Marcia Fudge, and Steven LaTourette.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 2.

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

Those voting nay: Council Members Polensek and Reed.

Absent: Council Member Brancatelli.

Res. No. 677-10.
By Council Members Conwell, Dow, Polensek, J. Johnson, Miller, Pruitt and Mitchell.

An emergency resolution urging the 128th Ohio General Assembly to introduce legislation similar to HB0363 introduced by the 96th Illinois General Assembly.

Whereas, on January 30, 2009, the 96th Illinois General Assembly, House of Representatives introduced HB0363 to amend the Chicago School District Article of the School Code; and

Whereas, HB0363 provides for a Special Joint Chicago Education Facilities Committee with members appointed by the Speaker of the House, the President of the Senate, and the Governor; and

Whereas, HB0363 requires the establishment of a Chicago Educational Task Force in order to ensure that school facility-related decisions are made with the input of the community and reflect educationally sound and fiscally responsible criteria; and

Whereas, HB0363 requires the Chicago Educational Task Force, with the help of independent experts, to analyze past Chicago experiences, and data with respect to school openings, school closings, school modernizations, school boundary changes, and other related school facility issues and their related costs; and

Whereas, HB0363 requires the Chicago Educational Task Force to examine relevant best practices from other school systems for dealing with these issues systematically and equitably; and

Whereas, HB0363 provides for draft recommendations, final proposed policy and legislative recommendations, and final recommendations to be submitted to the General Assembly, the Governor, and the school district; and

Whereas, HB0363 requires the State Board of Education and the school district to provide administrative support to the task force; and

Whereas, HB0363 provides that there shall be a moratorium on school closings, consolidations, and phase-outs in the school district in the 2009-2010 school year, and provides that any of these actions that are subsequently appropriate shall be carried out no sooner than the end of the 2010-2011 school year; and

Whereas, HB0363 passed through the House and Senate with amendments and passed as Public Act 96-0803 on November 3, 2009; and

Whereas, in light of the Cleveland Municipal School District transformation plan that calls for school closings, the Ohio General Assembly must intervene to consider similar legislation in Ohio; and

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

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

Section 1. That this Council urges the 128th Ohio General Assembly to introduce legislation similar to HB0363 introduced by the 96th Illinois General Assembly.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the 128th Ohio General Assembly and Mayor Jackson.

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

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

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

**SECOND READING
EMERGENCY ORDINANCE**

Ord. No. 496-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Sunpu-Opto Semiconductor, Ltd., a Chinese company, relating to locating its assembly, distribution, customer service, manufacturing, and research and development facilities in Cleveland, creating new jobs, and the purchase by requirement contract of LED bulbs, fluorescent tubes, streetlights and traffic lights for the various departments of City government for a period of up to ten years.

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

1. In the title, in lines 3 and 4, strike "Sunpu-Opto Semiconductor, Ltd., a Chinese company" and insert **"Sunpu-Opto Semiconductor, Ltd., a Chinese Company, doing business in the United States as Sunpu Opto USA Inc."**.

2. In the first Whereas clause, lines 1 and 2, strike "Sunpu-Opto Semiconductor, Ltd., ("Sunpu"), a Chinese company, is a manufacturer specializing in" and insert **"Sunpu-Opto Semiconductor, Ltd., a Chinese Company, doing business in the United States as Sunpu Opto USA Inc., ("Sunpu") is a manufacturer specializing in a full range of"**.

3. In the fifth Whereas clause, line 3, strike "purchase of LED products" and insert **"purchase of the full range of LED products required by the City"**.

4. In Section 1, line 2, strike "Sunpu-Opto Semiconductor, Ltd." and insert **"Sunpu"**.

5. In Section 1, part "a.", line 1; part "b." line 1; and in part "c.", line 1, strike "work diligently toward the location of" in all three places and insert **"locate"**.

6. In Section 1, part "d.", line 1, strike "work diligently toward the creation of" and insert **"create"**.

7. In Section 1, part "f.", line 4, after the comma strike "and"; insert new parts "g.", "h." and "i." to read as follows:

"g. Sunpu shall comply with the Fannie M. Lewis Cleveland Resident Employment Law, Chapter 188 of the Codified Ordinances of Cleveland, Ohio, 1976, in the performance of contracts awarded by Sunpu for the construction, rehabilitation, improvement, alteration, conversion, extension, demolition or repair of Sunpu's Cleveland facilities, and the Cleveland Fair Employment Law, Chapter 189 of the Codified Ordinances of Cleveland, Ohio, 1976;

h. If Sunpu does not obtain UL certification for any of the LED products to be supplied under the Agreement within 24 months of execution of the Agreement, then the Agreement shall terminate;

i. To determine the manufacturer direct pricing is at or below the costs for other comparable LED products, the City's Commissioner of Purchases and Supplies shall canvass prices for the line of products provided by Sunpu prior to the City's first purchase and every year

thereafter; and"; and reletter existing part "g." to new part "j."

8. Insert new Section 4 to read as follows: **"Section 4. That a copy of the executed agreement shall be placed in File No. 496-10-A."**

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

Amendments agreed to.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 266-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease the Seneca Golf Course and certain adjacent property to the Cleveland Metroparks and the City of Broadview Heights for a term of ninety-nine years.

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

1. In Section 5, lines 6 and 7, strike "The adjacent property identified on the map placed in the file shall be maintained as a natural area." and insert **"The lease for the adjacent property identified on the map placed in the file shall provide that the adjacent property shall be maintained as a natural area for municipal recreation and green space use only and not for private development."**

2. In Section 7, line 2, after "leases." insert **"Such revenues shall be placed in a fund designated by the Director of Finance to be used for the maintenance of the Highland Golf Course."**

3. Insert new Section 10 to read as follows:

"Section 10. That the Director of Parks, Recreation and Properties shall advise the Committee on Public Parks, Property and Recreation of the terms of the final lease agreement."

4. Renumber existing Section 10 to new **"Section 11"**.

Amendments agreed to.

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

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

Ord. No. 466-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into grant agreements with The Ohio State University and Parkworks, Inc. to provide financial assistance for the purchase of materials and supplies and installation of various improvements to City-owned eligible properties under the vacant property alternative use pilot program, including fences, sheds, trees, shrubs, and other vegetation, and for all other purposes necessary to implement the

vacant property alternative use pilot program; and authorizing the Director of Community Development to lease the improved land bank lots to various entities, agencies, and individuals for a period up to five years.

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

1. In Section 1, at the end, add the following: **"The Department of Community Development shall require that future applicants for grants from the City under the Vacant Property Alternative Use Program shall request letters of support from the council members whose wards are affected by the activities of their grant applications."**

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Pursuant to Rule 19 of the Rules of Council, Council Member Cimperman, recused himself from the vote regarding Ordinance No. 466-10. Council Member Cimperman further requested that the City Record reflect his recusal.

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. 517-10.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up Program.

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

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

Ord. No. 554-10.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 368-10.

By Council Member Zone.

An ordinance changing the Use, Area and Height Districts of lands located on W. 65th Street between Fir Avenue and Madison Avenue and lands south of Madison along the railroad ending at Aspen Ct. to Two Family Residential, a 'B' Area District and a 'I' Height District (Map Change No. 2298 Sheet No. 1).

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

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

Ord. No. 460-10.

By Council Member Cummins.

An ordinance to change the Use District of land on the northeast corner of Seymour Avenue and W. 30th Street from Two Family Residential to Residence- Industry (Map Change No. 2300; Sheet No. 1).

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

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

**SECOND READING EMERGENCY
RESOLUTION ADOPTED**

Res. No. 621-10.

By Council Members Zone and Westbrook.

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

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

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

MOTION

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

MOTION

The Council Meeting adjourned at 11:45 p.m. to meet on Monday, May 24, 2010 at 7:00 p.m. in the Council Chambers.



Sandra Franklin
City Clerk, Clerk of Council
Pro Tempore

THE CALENDAR

The following measure will be on final passage at the next Council Meeting:

Ord. No. 496-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with **Sunpu-Opto Semiconductor, Ltd., a Chinese Company, doing business in the United States as Sunpu Opto USA Inc.**, relating to locating its assembly, distribution, customer service, manufacturing, and research and development facilities in Cleveland, creating new jobs, and the purchase by requirement contract of LED bulbs, fluorescent tubes, streetlights and traffic lights for the various departments of City government for a period of up to ten years.

Whereas, **Sunpu-Opto Semiconductor, Ltd., a Chinese Company, doing business in the United States as Sunpu Opto USA Inc., ("Sunpu") is a manufacturer specializing in a full range of LED lighting products**, including products for home, office, industrial, street lighting, and traffic signal uses; and

Whereas, Sunpu has proposed to locate its assembly, distribution, customer service, support center, manufacturing, and research and development facilities in the City of Cleveland, the first such facilities owned by Sunpu in the United States; and

Whereas, Sunpu anticipates that Sunpu's facilities will generate approximately 350 new jobs in the City of Cleveland in the next five years; and

Whereas, Sunpu has proposed to supply the City's requirements for LED streetlights, LED fluorescent tubes, LED bulbs, and LED traffic lights meeting the City's standards ("LED products") for use by the various municipal departments for a period of up to ten years at or below the price for all other comparable LED products; and

Whereas, this Council determines that the economic development benefits flowing to the City of Cleveland from the proposed facilities located in the City by Sunpu, as well

as its pricing terms for the **purchase of the full range of LED products required by the City**, are non-competitive, unique, and cannot be obtained from any other source; 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 an agreement with **Sunpu**, relating to building and constructing their first United States facilities in the City of Cleveland and the furnishing of the City's requirements for LED products for use by the various divisions of City government for a period of up to 10 years at or below pricing for all other LED comparable products, and including the following milestones and terms:

a. Sunpu shall **locate** its first assembly and distribution facilities and customer service and support center for LED products in the United States to Cleveland within 18 months of the execution of the agreement;

b. Sunpu shall **locate** its first manufacturing facility for LED products in the United States to Cleveland within 36 months of the execution of the agreement;

c. Sunpu shall **locate** its first research and development facility in the United States within 60 months of the execution of the agreement;

d. Sunpu shall **create** a minimum of 350 new jobs at its facilities in Cleveland within 60 months of the execution of the agreement;

e. Sunpu shall supply Cleveland with its requirements for LED products for use by the various divisions of City government for a period of up to 10 years at or below comparable LED pricing for all other LED products as periodically determined by the City's Commissioner of Purchases and Supplies;

f. Provided that Sunpu complies with its milestones and other representations under the agreement, the City shall purchase its requirements for LED products for a period of 10 years commencing when Sunpu begins assembly operations in the City;

g. **Sunpu shall comply with the Fannie M. Lewis Cleveland Resident Employment Law, Chapter 188 of the Codified Ordinances of Cleveland, Ohio, 1976, in the performance of contracts awarded by Sunpu for the construction, rehabilitation, improvement, alteration, conversion, extension, demolition or repair of Sunpu's Cleveland facilities, and the Cleveland Fair Employment Law, Chapter 189 of the Codified Ordinances of Cleveland, Ohio, 1976;**

h. **If Sunpu does not obtain UL certification for any of the LED products to be supplied under the Agreement within 24 months of execution of the Agreement, then the Agreement shall terminate;**

i. **To determine the manufacturer direct pricing is at or below the costs for other comparable LED products, the City's Commissioner of Purchases and Supplies shall canvass prices for the line of products**

provided by Sunpu prior to the City's first purchase and every year thereafter; and

j. Such other terms and provisions as the Director of Law determines necessary to protect and benefit the City's interests.

Section 2. That the costs of the contract for the purchase of LED products shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 3. That the Directors of Finance and Public Utilities are authorized to take such other actions as may be necessary or appropriate in connection with carrying out the terms of the agreement authorized in Section 1, including making purchases of Sunpu's LED streetlights and fluorescent tubes to examine their applicability to various City operations provided that all such purchases do not exceed \$50,000.

Section 4. That a copy of the executed agreement shall be placed in File No. 496-10-A.

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

BOARD OF CONTROL

May 12, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 12, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Interim Director Mahoney.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker, Acting Director, Office of Equal Opportunity.

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

Resolution No. 176-10.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of April, 2010 in the amount of \$14,539.00,

attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 177-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on April 9, 2010 for an estimated quantity of janitorial supplies, Group B, items 70-71, 83, 83a, 105, 114, 117, 119, 120-121 and 125, for various divisions of City government, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 178-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1260-06, passed by the Council of the City of Cleveland on November 20, 2006, as amended by Ordinance No. 757-09, passed July 1, 2009, and Ordinance No. 1661-09, passed December 7, 2009, Cuyahoga Community College is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide Professional Services for a comprehensive program of providing general, remedial, developmental and technical training for the staff, as well as other related services, for a term not exceeding two years, for the various Divisions of the Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Cuyahoga Community College based upon its proposal dated, December 23, 2009, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee of \$1,000,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Cuyahoga Community College for the above mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Moss-Card Consulting, Inc. (CSB/MBE/FBE)	\$10,000.00 1.00%
I.T. Solutions Consulting (CSB/FBE)	\$40,000.00 4.00%

Organizational Effectiveness Strategies, Inc. (CSB/FBE)	\$90,000.00 9.00%
APB & Associates, Inc.	\$40,000.00 4.00%
Communications Consultants, Inc.	\$20,000.00 2.00%
Operator Training Committee of Ohio, Inc.	\$50,000.00 5.00%
Baldwin Wallace College	\$40,000.00 4.00%
Strategic Leadership Solutions	\$10,000.00 1.00%

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 179-10.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Southeastern Equipment Co., Inc. for an estimated quantity of item (1) Case and item (2) Gradall equipment parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of three years beginning with the date of execution of a contract, received on November 12, 2009, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$350,000.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$50,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 180-10.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Truck Service, Inc. dba Cleveland Spring Service for an estimated quantity of various auto/truck spring parts and repair, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of

two years beginning with the date of execution of a contract, received on November 19, 2009, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$234,050.00 (2% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$50,000.00.

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

Subcontractor	Percentage Amount
Mighty Mo's Industrial Supplier (FBE)	5.054% \$13,200.00

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 181-10.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Collins Equipment Corporation for an estimated quantity of fuel dispensing system maintenance and repair, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of three years beginning with the date of execution of a contract, received on December 16, 2009, under the authority of Section 131.17 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$300,000.00 (2% 10 Days Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$80,000.00.

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

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Collins Equipment Corporation is approved:

- McTech, (CSB/MBE)
- Earth Consulting, LTD, (CSB)

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 182-10.

By Director Wasik.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Concord Road Equipment Mfg., Inc., for an estimated quantity of four off road vehicles with end dump bodies, and related equipment, all items, including option #1 on one vehicle, option #2 on all vehicles, option #3 on three vehicles, vendor option A on one vehicle, and vendor options C-1 and C-2 on three vehicles, for the Division Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on February 17, 2010, under the authority of Ordinance No. 591-08, passed by Cleveland City Council on July 2, 2008, as amended by Ordinance No. 1849-08, passed by Cleveland City Council on January 26, 2009, which on the basis of the estimated quantity would amount to \$109,678.79 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$109,678.79.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 183-10.

By Director Wasik.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Construction Company, Inc. for the public improvement of the CUY-10-8.92 Lorain Resurfacing, base bid plus Alternate No. 1, for the Division of Engineering and Construction, Department of Public Service, received on April 14, 2010, under the authority of Ordinance Nos. 2457-02, 319-09, 1786-09 and 367-10 passed by the Cleveland City Council on March 10, 2003, March 16, 2009, December 7, 2009, and March 22, 2010, upon a unit basis for the improvement, in the aggregate amount of \$1,444,795.75, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Perk Co., Inc. for the above authorized contract is approved:

McTech, Inc.
CSB/MBE — \$110,872.00 — (7.674%)

Cuyahoga Supply & Tool
CSB/MBE — \$137,922.00 — (9.546%)

PGT Construction
CSB/FBE — \$165,500.00 — (11.455%)

Trafftech, Inc.
CSB — \$78,206.00 — (5.413%)

Down To Earth
CSB/FBE — \$8,300.00 — (0.574%)

DOT Drilling & Sawing
Other — \$6,500.00 — (0.00%)

Solar Testing
Other — \$4,500.00 — (0.00%)

Pavement Technology
Other — \$33,513.00 — (0.00%)

The Shelly Company
Other — \$587,432.00 — (0.00%)

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 184-10.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of R & R Truck Sales, Inc., for an estimated quantity of one cab & chassis with end dump body, and related equipment, all items, to include options #1, #2, and #3, for the Division Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on February 17, 2010, under the authority of Ordinance No. 887-06, passed by Cleveland City Council on August 9, 2006, which on the basis of the estimated quantity would amount to \$180,296.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$180,296.00.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 185-10.

By Director Flask.
Whereas, under the authority of Ordinance No. 1876-06, passed by the Cleveland City Council on March 12, 2007, the City of Cleveland, through the Director of Public Safety, entered into an agreement with ACS Gov-

ernment Systems, Inc., City Contract No. 67048, for a period of one year with two options to renew for an additional one year period, for maintenance and technical support services for the FIREHOUSE records management system software, for the Division of Fire, Department of Public Safety, and by exercise of the first option, a renewal; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with ACS Government Systems Inc., to obtain the professional maintenance and technical support services necessary to maintain the FIREHOUSE records management software for one year starting June 1, 2010, now; therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the agreement with ACS Government Systems Inc., is fixed at an amount not to exceed \$23,365.00.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 186-10.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on February 17, 2010 for an estimated quantity of Snacks for the CACFP after school program at the City of Cleveland Recreation Centers., Department of Parks, Recreation and Properties, under the authority of Ordinance No. 1592-09, passed by the Council of the City of Cleveland on November 30, 2009 are rejected.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 187-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 119-27-080 located at 8215 Central Avenue in Ward 6; 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, Fairfax Renaissance Development Corporation, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for grand parent housing; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 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 Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel No. 119-27-080 located at 8215 Central 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: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 188-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 004-19-058 located at 2390 West 6th Street in Ward 3; 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, Nancy Corral, Trustee, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for construct a house; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 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 Nancy Corral, Trustee for the sale and development of Permanent Parcel No. 004-19-058 located at 2390 West 6th 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 \$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: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 189-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 142-25-079 and 142-25-082 located at Lawndale Avenue in Ward 1; 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, Elizabeth Dukes, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcels for yard expansion; and

Whereas, the following conditions exist:

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

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of the parcels 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 Elizabeth Dukes for the sale and development of Perma-

ment Parcel Nos. 142-25-079 and 142-25-082 located at Lawndale 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 parcels shall be \$1.00 each, which amount is determined to be not less than the Fair Market value of said parcels for uses according to the Program.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 190-10.

By Director Rush.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R.W. Clark Company, Inc., for the public improvement for the North Point Inn elevator modernization, base bid, for the Department of Community Development, received on March 31, 2010, under the authority of Ordinance 531-07, passed April 23, 2007, and amended by Ordinance No. 1946-07, passed November 26, 2007, and Ordinance No. 869-08, passed July 2, 2008, for a gross price for the improvement in the aggregate amount of \$389,618, is affirmed and approved as the lowest responsible bidder, and the Director of Community Development is authorized to enter into 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 R.W. Clark Company, Inc. is approved:

<u>Subcontractor</u> <u>CSB/MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Edmonds Elevator CSB/FBE	\$229,017.00 58.780%
C & K Services	\$ 5,500.00 1.411%
Dentz Pointing	\$ 2,160.00 .554%
Ernie's Electric MBE	\$ 16,593.00 4.259%
D&R Carpet	\$ 1,404.00 .360%
R.J. Heating	\$ 6,800.00 1.745%
SRD Building Corporation	\$ 2,270.00 .582%

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Mahoney.

Resolution No. 191-10.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R.W. Clark Company, Inc., for the public improvement of the former Coast Guard Station building roof replacement, base bid, for City Planning, received on April 22, 2010, under the authority of Ordinance No. 555-09, passed June 8, 2009, and amended by Ordinance No. 618-10, passed May 10, 2010, for a gross price for the improvement in the aggregate amount of \$515,225.00, is affirmed and approved as the lowest responsible bid, and the Director of City Planning is authorized to enter into 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 R.W. Clark Company, Inc. is approved:

<u>Subcontractor</u> <u>CSB/MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Work Best Electric CSB/FBE	\$ 2,845.00 .552%
M. Rivera Construction CSB/MBE	\$ 8,000.00 1.553%
Insignia Graphic CSB/MBE	\$ 1,342.00 .260%
LDH Painting CSB/MBE	\$ 4,350.00 .844%
Price Builders, LLC CSB/MBE	\$ 36,000.00 6.98%
Columbia Products	\$117,000.00 22.71%
Strand Construction	\$113,720.00 22.07%
T & F Systems, Inc.	\$ 84,380.00 16.37%

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Hoose, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Director West, Directors Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson and Interim Director Mahoney.

MARK MUSSON,
Acting 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 Com-

mission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, JUNE 1, 2010

9:30 A.M.

Calendar No. 10-67: 2388 West 6th Street (Ward 3)

Nancy Corral Trust, owner, appeals to erect a 25' x 60' two-story frame, fee simple single family residence with an attached garage, proposed to be on a 38.6' x 90' lot in a B1 Two-Family District; subject to Section 327.02(e) for an approval from Engineering and Construction for lot consolidation, driveway, utility and catch basin drainage easements and Section 337.25(a) for a Design Review hearing. The provisions of Sections 349.07(a) and 349.07(c)(1)(2)(3) require paving and drainage for the parking area, one driveway for each 100 feet of frontage, and not located less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 355.05(b) 3,474 square feet is provided and a minimum lot size of 4,800 square feet is required; a gross floor area of 1,737 square feet exceeds one-half the lot size of 1,729 square feet with a minimum lot width of 38.6 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)A, a front yard setback of 5 feet and not 13 feet is provided, with a rear yard depth of 22.3 feet and a rear wooden deck providing 14 feet where 36 feet is required; and a distance of 5 feet where no building shall be erected less than 10 feet from a main building on an adjacent lot, pursuant to the Cleveland Codified Ordinances.

Calendar No. 10-68: 2379 West 6th Street (Ward 3)

Nancy Corral Trust, owner, appeals to erect a 25' x 60' two-story frame, fee simple single family residence with an attached garage, proposed to be on a 38.6' x 100' lot in a B1 Two-Family District; subject to Section 327.02(e) for an approval from Engineering and Construction for lot consolidation, driveway, util-

ity and catch basin drainage easements and Section 337.25(a) for a Design Review hearing. The provisions of Sections 349.07(a) and 349.07(c)(1)(2)(3) require paving and drainage for the parking area, one driveway for each 100 feet of frontage, and not located less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 355.05(b) 3,860 square feet is provided and a minimum lot size of 4,800 square feet is required; a gross floor area of 1,930 square feet exceeds one-half the lot size of 1,862 square feet with a minimum lot width of 38.6 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)A, a front yard setback of 11.5 feet where 15 feet is required and the existing building setback is 21 feet; with a rear yard depth of 25.7 feet where 36 feet is required; and 7 feet 6 inches is provided between the dwelling and garage where no building shall be erected less than 10 feet from a main building on an adjacent lot, pursuant to the Cleveland Codified Ordinances.

Calendar No. 10-69: 2382 West 6th Street (Ward 3)

Nancy Corral Trust, owner, appeals to erect a 25' x 60' two-story frame, fee simple single family residence with an attached garage, proposed to be on a 38.6' x 90' lot in a B1 Two-Family District; subject to Section 327.02(e) for an approval from Engineering and Construction for lot consolidation, driveway, utility and catch basin drainage easements and Section 337.25(a) for a Design Review hearing. The provisions of Sections 349.07(a) and 349.07(c)(1)(2)(3) require paving and drainage for the parking area, one driveway for each 100 feet of frontage, and not located less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 355.05(b) 3,474 square feet is provided and a minimum lot size of 4,800 square feet is required; a gross floor area of 1,737 square feet exceeds one-half the lot size of 1,729 square feet with a minimum lot width of 38.6 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)A, a front yard setback of 5 feet and not 13 feet is provided, with a rear yard depth of 22.3 feet and a rear wooden deck providing 14 feet where 36 feet is required; and a distance of 5 feet where no building shall be erected less than 10 feet from a main building on an adjacent lot, pursuant to the Cleveland Codified Ordinances.

Calendar No. 10-70: 2387 West 7th Street (Ward 3)

Nancy Corral Trust, owner, appeals to erect a 25' x 60' two-story frame, fee simple single family residence with an attached garage, proposed to be on a 38.6' x 100' lot in a B1 Two-Family District; subject to Section 327.02(e) for an approval

from Engineering and Construction for lot consolidation, driveway, utility and catch basin drainage easements and Section 337.25(a) for a Design Review hearing. The provisions of Sections 349.07(a) and 349.07(c)(1)(2)(3) require paving and drainage for the parking area, one driveway for each 100 feet of frontage, and not located less than 15 feet of the point of tangency of its apron radius, and an apron radius at curb of not less than 6 feet without obstructing traffic per Engineering and Construction. Contrary to Section 355.05(b) 3,860 square feet is provided and a minimum lot size of 4,800 square feet is required; a gross floor area of 1,930 square feet exceeds one-half the lot size of 1,862 square feet with a minimum lot width of 38.6 feet contrary to 40 feet. Inconsistent with Sections 357.04(a), 357.08(b)(1), 357.09(2)A, a front yard setback of 11.5 feet where 15 feet is required and the existing building setback is 21 feet; with a rear yard depth of 25.7 feet where 36 feet is required; and 7 feet 6 inches is provided between the dwelling and garage where no building shall be erected less than 10 feet from a main building on an adjacent lot, pursuant to the Cleveland Codified Ordinances.

Calendar No. 10-66: 3541 West 56th Street (Ward 15)

Jean Nasr, owner, and Virginia Reynolds, tenant, appeal to install a 5' x 5' wheel chair lift within the front yard setback of a 40' x 130' parcel in a B1 Two-Family District, contrary to the required yard spaces and permitted encroachments in the provisions of Section 357.13 of the Cleveland Codified Ordinances.

Calendar No. 10-71: Violation Notice — 2267 East 83rd Street (Ward 6)

Timothy Willis, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Department of Building and Housing on April 8, 2010 for failure to comply with Section 337.18(a) access and maintenance of off-street parking spaces; Section 349.13(a) permitted garages and parking spaces in residence districts; Section 337.23 accessory uses in residence district; and Sections 357.14 and 349.13(c)(6) for permitted yard encroachments as stated in the Cleveland Codified Ordinances.

Calendar No. 10-74: Used Automobile Storage License — 6811 Carnegie Avenue (Ward 5)

David Jurek, d.b.a. Friendship Auto Sales appeals under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a decision dated April 21, 2010 by the City of Cleveland Division of Assessments and Licenses to deny a Used Motor Vehicles Storage License, as a result of violations determined upon review of the license application by the Department of Building and Housing.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 17, 2010

At the meeting of the Board of Zoning Appeals on Monday, May 17, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-58: 11003 Superior Avenue

Maher Suleiman appealed to expand use of a store to include a drive through and an auto detailing shop proposed to be on consolidated parcels in a Multi-Family District.

Calendar No. 10-60: 16109 Woodbury Avenue

Steve Evans appealed to install 161 linear feet of 4 foot high solid wood fence set back less than 4 feet from the side street property line in a One-Family District.

Calendar No. 10-32: 1945 East 97th Street

Cleveland Clinic appealed to construct a parking lot on acreage located in zoning for Multi-Family and General Retail Business Districts.

The following appeals were **Dismissed:**

Calendar No. 10-57: Notice of Violation — 5792 Portage Avenue.

Calendar No. 10-40: Coin Operated Pool/Billiard Room License — 2901-09 Detroit Avenue.

The following appeals were **Postponed:**

Calendar No. 10-59: 1293 West 9th Street postponed to June 21, 2010.

Calendar No. 09-233: 7310 Fleet Avenue postponed to July 12, 2010.

The following appeals heard by the Board on May 10, 2010 were adopted and approved on May 17, 2010.

Calendar No. 10-52: 5819 Bridge Avenue

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

Calendar No. 10-53: 908 Fruit Avenue

Shirley Larrison appealed to erect a ramp at the rear door area of a two family dwelling in a Two-Family District.

Calendar No. 10-54: 3999 Brookside Boulevard

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

Calendar No. 10-55: 11310 Magnolia Drive

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

Calendar No. 10-56: 1901 Ford Drive Case Western Reserve University appealed from the limitation of 30 days duration to install a temporary tent for events that occur from April 20, to October 20, 2010.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 12, 2010

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

* * *

Docket A-33-09.

RE: Appeal of Karas Properties, Inc., Owner of the Property located on the premises known as 4900 West 150th Street from a NOTICE OF VIOLATION, dated December 22, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued to both the tenant and the landlord. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-423-09.

RE: Appeal of George Roganishi, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 3197 Louisiana Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-431-09.

RE: Appeal of Beverly A. Banks, Owner of One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 11229 Continental Avenue from a CONDEMNATION ORDER —

MAIN STRUCTURE, dated November 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 11229 Continental Avenue to the Department of Building and Housing for supervision and any required further action, noting the lack of attendance by the Appellant, and the condition of the property described by the photographs and testimony of the inspector. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-432-09.

RE: Appeal of Ossie Hill, Owner of Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 11709 Iowa Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 4, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant fourteen (14) days in which to fix any conditions that are relevant to the sanitary conditions, health conditions, safety conditions, and welfare of the people, such as a valve: The Appellant is granted thirty (30) days in which to obtain permits and ninety (90) days in which to begin substantial abatement of the violations on the property. The property is REMANDED at this time to the Department of Building and Housing for supervision Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-438-09.

RE: Appeal of Curtis King, Owner of One Dwelling Unit Single-Family Residence Two and One-half Story Frame Property located on the premises known as 11712 Shadeland Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 22, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-438-09 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-439-09.

RE: Appeal of Greater Cleveland Habitat for Humanity, Owner of the MXD Mixed Uses — Multiple Uses In One Building Six (6) Story

Masonry Walls/Wood floors Property located on the premises known as 6920 Union Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated December 4, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, regarding the Department of Building and Housing issues, a motion is in order at this time to REMAND the property to the Department of Building and Housing for supervision and any required further action. Regarding the Division of Fire, a motion is in order at this time to require that inspections for security be increased to daily, and to grant the Appellant thirty (30) days in which to bring the building up to a broom swept condition regarding combustibles. The property is REMANDED to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saunders.

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

* * *

Docket A-440-09.

RE: Appeal of Ronald D. Pace, Owner of Two Dwelling Units Two-Family Residence Two and One-half Story Frame Property located on the premises known as 1046 East 141st Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated December 2, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all permits and six (6) months in which to abate the violations; noting that with satisfactory progress, the time can be extended by the inspector. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-441-09.

RE: Appeal of Ronnie C. Roy, Owner of Two Dwelling units Two-Family Residence Two and One-half Story Wood/Frame/Siding/Masonry Veneer Property located on the premises known as 6910 Clark Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated December 2, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which

to continue and complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-442-09.

RE: Appeal of Lennox Enterprizes Unlimited, Owner of One Dwelling Unit Single-Family Residence Two and One/half Story Frame Property located on the premises known as 3717 East 144th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 11, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3717 East 144th Street to the Department of Building and Housing for supervision and any required further action, denying appeals for further time to correct the violations. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-443-09.

RE: Appeal of James Stuart, Owner of Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 11107 Ada Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 25, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for an extension of time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting the condition of the property described both by the photographs and the testimony of the inspector. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-444-09.

RE: Appeal of Edward R. Hayes Jr., Owner of Two Dwelling Units Two-Family Residence Two and One/half Story Wood/Frame/Siding/Masonry Veneer Property located on the premises known as 15900 Corsica Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated May 15, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 8, 2010 in which to correct the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-445-09.

RE: Appeal of Bob Boyd, Owner of Three Dwelling Units Three-Family Residence Two and One/half Story Masonry Property located on the premises known as 3568 East 144th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-446-09.

RE: Appeal of International Specialty Produce, Inc., Owner of Property located on the premises known as 3800 Woodland Avenue from a NOTICE OF VIOLATION — FIRE CODE, dated June 4, 2009 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC). No action this date. The docket will be rescheduled in four (4) weeks (June 9, 2010).

* * *

Docket A-448-09.

RE: Appeal of Lust Nightclub, Owner of the A-2 Assembly — Nite Clubs, Restaurants Property located on the premises known as 1303 West 6th Street from a NOTICE OF VIOLATION — NO PERMIT, dated October 26, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action required by the Board. The Appellant should appeal to the Board of Zoning Appeals.

* * *

Docket A-449-09.

RE: Appeal of Deloris Oliver, Owner of One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 1766 Avalon Road from a NOTICE OF VIOLATION — EXTE-

RIOR MAINTENANCE, dated December 9, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant four (4) months in which to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-450-09.

RE: Appeal of Christopher S. Tourtellot, Owner of One Dwelling Unit Single-Family Residence One and One/half Story Property located on the premises known as 11205 Greenwich Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 29, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-1-10.

RE: Appeal of Curtis S. Hunt, Owner of Residential Property located on the premises known as 5701 Diamond Avenue from a VOIDED PERMIT, dated December 23, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-1-10 have been POSTPONED; to be rescheduled for May 26, 2010.

* * *

Docket A-2-10.

RE: Appeal of Karen Hasan Walker, Owner of Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 2793 East 127th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated December 9, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-2-10 have been POSTPONED; to be rescheduled for May 26, 2010.

Docket A-3-10.

RE: Appeal of Raymond Kelly, Owner of One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 3466 East 113th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated December 1, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-4-10.

RE: Appeal of SI Harb, Owner of the M Mercantile — Retail Shops, Carry-out Food Shops One and One/half Story Masonry Property located on the premises known as 8400 Euclid Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated December 08, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-4-10 have been POSTPONED; to be rescheduled for May 26, 2010.

* * *

Docket A-9-10.

RE: Appeal of Helen M. Gocz, Owner of One Dwelling Unit Single-Family Residence Two and One/half Story Frame Property located on the premises known as 2837 East 126th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated December 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to obtain permits and abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-10-10.

RE: Appeal of Iqbal Athwal, Owner of the Residential Property located on the premises known as 3612 East 117th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 12,

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

Docket A-2-10 have been POSTPONED; to be rescheduled for May 26, 2010.

* * *

Docket A-11-10.

RE: Appeal of Kandis Morrissette, Owner of Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 2853 East 127th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated December 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-146-10.

RE: Appeal of Katherine Wolf C/O Robert Neitzel, Owner / Contractor of the One Dwelling Unit Single-Family Residence One Story Garage — Detached; Wood Frame Property located on the premises known as 15708 Leigh Ellen Avenue from a NOTICE OF VIOLATION — POOR WORKMANSHIP, dated July 15, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the violation notice was properly issued, that the slab was not built according to the submitted plans, notwithstanding a letter has been submitted by the engineer stating that the slab that was built will perform properly; and to require that the Appellant submit a sketch of what was built for review by the Building Department to see if it conforms with the codified requirement for the City of Cleveland. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-279-09—Bojacks's Meat & Poultry, Inc.
- A-416-09—Juan Cruz.
- A-417-09—John Jackson.
- A-419-09—Raymond Watkins.
- A-420-09—Christopher Chavers.
- A-421-09—Keith Duffield.
- A-422-09—Joseph L. Scott.
- A-425-09—Grace Hospital.
- A-426-09—Grace Hospital.
- A-427-09—Jose Soto.
- A-429-09—Cuyahoga Real Estate, LLC.
- A-434-09 — E. 79th Redevelopment Ltd.
- A-435-09—Rockefeller Building Associates.
- A-437-09—Cecil Witcher.
- A-88-10—Giuseppe (Joe) Tieri.
- A-115-10 — The K&D Group, 668 Atrium US.
- A-147-10—Nick Vroutos.

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

* * *

APPROVAL OF MINUTES:

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

April 28, 2010

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

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

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

Ord. No. 213-10.

By Council Member Miller. An ordinance to change the Use District of land fronting on East 140th Street south of I-90 and north of Kelso Avenue from Local Retail Business to Residence Office; and changing the Use and Area Districts of land located at the southwest corner of Diana and E. 140th to Two Family Residential and a 'B' Area

District (Map Change No. 2297 Sheet No. 7).

Ord. No. 461-10.

By Council Member Kelley.

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

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

Phyllis E. Cleveland
Chair
Committee on City Planning

May 12, 2010 and May 19, 2010

CITY OF CLEVELAND BIDS

For All Departments

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."

FRIDAY, JUNE 4, 2010

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

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

May 12, 2010 and May 19, 2010

WEDNESDAY, JUNE 9, 2010

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

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

File No. 90-2010 — Large and Special Pinion, Ring and Worm Gears, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 24, 2010 AT 2:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, ENGINEERING CONFERENCE ROOM, 5TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

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

May 12, 2010 and May 19, 2010

THURSDAY, JUNE 10, 2010

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

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

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

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

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

May 12, 2010 and May 19, 2010

THURSDAY, JUNE 17, 2010

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

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

May 12, 2010 and May 19, 2010

FRIDAY, JUNE 18, 2010

File No. 86-2010 — Personal Protective Equipment (PPE) for Cleveland Police Department/SWAT, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 639-08, passed by the Council of the City of June 2, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 24, 2010 AT 3:00 P.M. THE HOMELAND SECURITY, 205 WEST ST. CLAIR AVENUE, ROOM 306, CLEVELAND, OHIO 44113.

File No. 87-2010 — MSA Self Contained Breathing (SCBA) for the Cleveland Police Department/SWAT, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 639-08, passed by the Council of the City of June 2, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 24, 2010 AT 4:00 P.M. THE HOMELAND SECURITY, 205 WEST ST. CLAIR AVENUE, ROOM 306, CLEVELAND, OHIO 44113.

May 12, 2010 and May 19, 2010

FRIDAY, JUNE 11, 2010

File No. 97-2010 — Fire Hydrants and Fire Hydrant Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 27, 2010 AT 10:30 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 19, 2010 and May 26, 2010

WEDNESDAY, JUNE 16, 2010

File No. 93-2010 — 2010-2011 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances Area-A, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1538-09, passed by the Council of the City of Cleveland, November 23, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 27, 2010 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 94-2010 — 2010-2011 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances Area-B, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1538-09, passed by the Council of the City of Cleveland, November 23, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 27, 2010 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 19, 2010 and May 26, 2010

THURSDAY, JUNE 17, 2010

File No. 95-2010 — 2010-2011 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances Area-C, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1538-09, passed by the Council of the City of Cleveland, November 23, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 27, 2010 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 96-2010 — 2010-2011 Contractual Repair of Water Mains, Fire Hydrants, Valves, Service

Connections and Appurtenances Area-D, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1538-09, passed by the Council of the City of Cleveland, November 23, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 27, 2010 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 19, 2010 and May 26, 2010

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 624-10.**

By Council Member Cimperman.

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

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

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

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

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

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

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

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

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

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

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the US Census Bureau, the City Planning Commission and Mayor Jackson.

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

Adopted May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Res. No. 625-10.

By Council Member Brady.

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

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

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure pro-

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

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

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

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

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

Adopted May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Res. No. 626-10.

By Council Member Cimperman.

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

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

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement

officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Albi, Inc., DBA West Sixth Market, 1313 West 6th Street, 1st floor and patio, Cleveland, Ohio 44113, Permanent Number 00895360005 to Spaci, Inc., DBA West Sixth Market, 1st floor and patio, 1313 West Sixth Street, Cleveland, Ohio 44113, Permanent Number 8398803; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Res. No. 627-10.

By Council Member Cimperman.

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

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from La Bodega Cleveland OH, LLC, Suite 100 & patio, 1382 West 9th Street, 1st floor, Cleveland, Ohio 44113, Permanent Number 4949255 to Mosaica Grill, LLC, Suite 100 & patio, 1382 West 9th Street, 1st floor, Cleveland, Ohio 44113, Permanent Number 6186947; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Res. No. 628-10.
By Council Member Dow.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 9108 Superior Avenue.

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

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

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

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

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

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

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

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

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

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

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two

copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1076-09.
By Council Members Conwell, Dow and Sweeney (by departmental request).

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

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

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

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

Section 623.04 Criminal Trespass

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

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

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

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

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

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

to governmental officers or employees when carrying out a lawful governmental function.

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

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

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

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

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

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1715-09.
By Council Members K. Johnson, Polensek, Dow, Cimperman and Sweeney (by departmental request).

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

speare Garden and to designate the Croatian Garden.

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 559.13 and 559.14 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 109-56, passed February 11, 1957, are amended as follows:

Section 559.13 Shakespeare Garden and Bruot Gate and Walk

(a) *Shakespeare Garden.* That portion of Rockefeller Parkway lying east of the upper drive, between North Blvd and East 98th Street shall be designated the Shakespeare Garden.

(b) *Bruot Gate and Walk.* Beginning at a point in the westerly line of the upper drive at its point of intersection with the westerly prolongation of the main axis of the Shakespeare Garden; thence southerly along the westerly line of the upper drive 35 feet to a point; thence westerly by a line which is parallel with said westerly prolongation of the main axis of the Shakespeare Garden and 35.00 feet southerly by rectangular measurement therefrom, about 325 feet to the easterly line of the lower drive; thence northerly along the easterly line of the lower drive about 60 feet to the south-westerly corner of the Hungarian Garden; thence easterly along the southerly line of the Hungarian, (which southerly line is 25 feet northerly by rectangular measurement and parallel to the westerly prolongation of the main axis of the Shakespeare Garden) 326.30 feet to an iron pipe in the westerly line of the upper drive; thence southerly along the westerly line of the upper drive 25.00 feet to the place of beginning.

Section 559.14 Croatian Garden

Beginning in the westerly line of the upper drive at a point located 35.00 feet southerly by rectangular measurement from its point of intersection with the westerly prolongation of the main axis of the Shakespeare Garden; thence southerly along the westerly line of the upper drive about 186.8 feet to an iron pipe in the northeasterly corner of the Hebrew Garden; thence westerly along the northerly line of the Hebrew Garden 271.54 feet to an iron pipe in the easterly line of the lower drive; thence northerly along the easterly line of the lower drive about 283.3 feet to a point located 60.00 feet southerly by rectangular measurement from the southerly line of the Hungarian Garden; thence easterly by a line which is parallel with the southerly line of the Hungarian Garden and distant 60.00 feet southerly by rectangular measurement therefrom, (which line is also 35 feet southerly by rectangular measurement and parallel to the westerly prolongation of the main axis of the Shakespeare Garden) about 326 feet to the westerly line of the upper drive and the place of beginning.

Section 2. That existing Sections 559.13 and 559.14 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 109-56, passed February 11, 1957, are repealed.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 12-10.

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

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

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 395.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is amended to read as follows:

Section 395.02 Unnecessary Alarms; Charges

(a) Upon the occurrence of a second unnecessary alarm at a particular location in a given calendar year, the Fire Chief shall cause a letter to be sent via regular U.S. mail to the alarm system location stating that the person(s) responsible for the alarm system as identified in division (c) may be invoiced under the authority of this section for reimbursement of a portion of the costs of responding to the third and any subsequent unnecessary alarm.

(b) If more than two (2) unnecessary alarms occur at a particular location in a given calendar year, then the Fire Chief shall invoice the person(s) responsible for the alarm system as identified in division (c) of this section in the sum of one hundred thirty dollars (\$130.00) for reimbursement of a portion of the costs of responding to the third and any subsequent unnecessary alarm.

The charges shall be due and payable on receipt of an invoice, except that the charges shall be suspended pending the outcome of any hearing conducted under Section 395.03, or any appeal conducted under Section 395.04.

(c) As used in this section and division (k) of Section 395.01, the "person(s) responsible for the alarm system" means each owner and leaseholder, if any, of the property or properties served by the alarm

system, and the person(s) shall be jointly and severally liable for the charges assessed under this section.

(d) As used in this section, a "particular location" means a property or a group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name.

Section 2. That Section 395.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is repealed.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 204-10.

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

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

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 605.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is amended to read as follows:

Section 605.07 Making False Alarms

(a) No person shall do any of the following:

(1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur;

(4) Report a medical emergency, injury or condition knowing that none exists.

(b) This section does not apply:

(1) to any person conducting an authorized fire or emergency drill; or

(2) if the violation results in economic harm of five hundred dollars (\$500.00) or more; or

(3) if a violation of this section pertains to a purported, threatened or actual use of a weapon of mass destruction.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. (RC 2917.32)

Section 2. That existing Section 605.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1631-05, passed March 20, 2006, is repealed.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 261-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of water revenue obligations in the maximum principal amount of \$50,000,000 to fund costs of acquiring automated water meter reading infrastructure and authorizing related matters.

Whereas, the City has determined to deploy a system to automatically collect water meter readings and other data related to water use and for that purpose it is necessary for the City to acquire equipment, install software and integrate the advanced water meter infrastructure with the existing billing and security systems in the Division of Water (the "Project");

Whereas, the City is authorized under Article XVIII of the Constitution of the state of Ohio and the Charter of the City to make improvements to the Waterworks System and to borrow money to pay costs of those improvements, subject to compliance with the covenants of the City in the Amended and Restated Trust Indenture, effective as of October 5, 2001, as supplemented and amended from time to time, between the City and U.S. Bank National Association, as trustee (the "Bond Indenture"), securing the City's outstanding Water Revenue Bonds and any additional Water Revenue Bonds issued from time to time (collectively, the "Bonds");

Whereas, this Council has determined that it is necessary to issue obligations to provide interim funding for the Project as provided in this ordinance (the "Obligations") in anticipation of definitive financing to be provided by additional Bonds to be issued under the Bond Indenture to retire the Obligations and to fund other improvements to the Waterworks System; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that this ordinance is required to be immediate-

ly effective to permit the issuance and sale of the Obligations to fund contracts for the acquisition of the Project for the operation of the Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Obligations in an aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) to pay a portion of the costs of the Project, including costs of acquiring meters, registers, computer hardware and software and other equipment, fees and expenses for technology and other professional services for the installation of the equipment and software and its integration with existing billing and security systems, funding any capitalized interest and paying all expenses incurred in connection with the issuance of the Obligations.

Section 2. Authority, Security and Source of Payment. The Obligations shall be issued pursuant to the Article XVIII of the Ohio Constitution, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Obligations shall be payable from and secured by the net revenues of the Waterworks System in the Additions and Improvements Fund established under the Bond Indenture on a basis subordinate to the Bonds under the Bond Indenture. The Obligations shall not constitute "Bonds" under the Bond Indenture. The principal of the Obligations may not be accelerated if any Bonds are outstanding under the Bond Indenture unless those outstanding Bonds have been accelerated.

Section 3. Rate Covenant. So long as Obligations are outstanding, the City covenants, subject to all applicable requirements and restrictions imposed by law, that at all times it will prescribe and charge such rates and charges for the services of the Waterworks System, and will so restrict operating expenses of the Waterworks System as shall result in net revenues of the Waterworks System in each year at least equal to amounts required to comply with its covenants under the Bond Indenture and to pay the principal of and interest on the Obligations in the then current year (less any interest funded from proceeds of the Obligations).

Section 4. Terms of the Obligations. (a) Amount, Designation, Dating, Denominations. The Obligations shall be issued in the principal amount, which shall not exceed the amount stated in Section 1, and shall bear interest from their date until the principal amount is paid at the rate or rates per year and payable on the dates specified in the certificate of award providing for the final terms of the Obligations and the sale of the Obligations in accordance with this Ordinance (the "Certificate of Award"). The Obligations shall be issued in fully registered form and shall be designated, numbered and dated as determined by the Director of Finance and set forth in the Certificate of Award. The Obligations may be delivered in

book-entry form, in which case the Obligations shall be registered in the name of The Depository Trust Company or its nominee (together with any successor securities depository, the "Depository"), as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository) without further action by the City as provided in the Registrar Agreement authorized in Section 6. The Obligations shall be issued in such denominations ("Authorized Denominations") as are stated in the Certificate of Award to be authorized denominations. The Obligations shall be signed by the Mayor and the Director of Finance, provided that either or both of those signatures may be a facsimile. The Registrar identified in Section 6 shall be the authenticating agent, registrar, transfer agent and paying agent for the Obligations.

(b) Interest Rates. If the Obligations bear interest at fixed rates of interest, the weighted average of such rates (taking into account the principal amount and maturity of each Obligation to which a rate applies) shall not exceed four percent (4%) per year. The Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Obligations to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Obligations shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Obligations shall not bear interest at a rate in excess of twenty-five percent (25%) per year. Provision shall also be made in the Certificate of Award for an assumed interest rate with respect to variable rate Obligations for purposes of complying with the rate covenant. Holders of variable rate Obligations may be given the right to tender their variable rate Obligations for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement. If the Director of Finance designates any Obligations as variable rate Obligations, and if the holders of the variable rate Obligations are to be entitled to tender the variable rate Obligations for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Obligations the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a financial advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such ser-

vices are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Obligations, and from time to time thereafter so long as the variable rate Obligations are outstanding, with providers of Credit Support Instruments (as defined in Section 10), tender agents (which may be the Registrar provided for in Section 6), remarketing agents, and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Obligations upon tender for purchase or at maturity or upon prior redemption, and providing for the repayment by the City of any amounts drawn under any Credit Support Instrument.

(c) Maturity; Principal Payments; Mandatory Redemption. The Obligations shall mature in the years and principal amounts set forth in the Certificate of Award, provided that the final maturity date of the Obligations shall be no later than December 1, 2015. The Obligations stated to mature in any year may be issued as serial Obligations or as term Obligations payable prior to stated maturity pursuant to sinking fund redemption (the "Term Obligations"). The Director of Finance shall determine in the Certificate of Award whether any of the Obligations shall be issued as Term Obligations, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Obligations shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Obligations are issued as Term Obligations, the Term Obligations shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Registrar for payment of principal of and interest on any Term Obligations shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Obligations payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Registrar Agreement).

The City shall have the option to deliver to the Registrar for cancellation Term Obligations in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance, for Term Obligations stat-

ed to mature on the same principal payment date as the Term Obligations so delivered. That option shall be exercised by the City on or before the 15th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Obligations stated to mature on the same principal payment date. If the certificate is not timely furnished to the Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance, also shall be received by the City for any Term Obligations which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Obligations stated to mature on the same principal payment date as the Term Obligations so redeemed or purchased and canceled.

Each Term Obligation so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Finance, for Term Obligations stated to mature on the same principal payment date as the Term Obligations so delivered, redeemed or purchased and canceled.

(d) Optional Redemption. The Obligations may be subject to redemption prior to maturity by and at the option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption prices determined by the Director of Finance in the Certificate of Award, which may include payment of a make whole premium. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Obligations not to be callable prior to their stated maturity.

If optional redemption of Term Obligations at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Obligations, the Term Obligations, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Obligations of the same matu-

rity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Term Obligations to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Term Obligations to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Obligation which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Obligation were called for optional redemption on the date of the proposed purchase.

(e) Redemption Procedures. If fewer than all of the outstanding Obligations are called for optional redemption at one time and Obligations of more than one maturity are then outstanding, the Obligations that are called shall be Obligations of the maturity or maturities selected by the City. If fewer than all of the Obligations of a single maturity are to be redeemed, the selection of Obligations of that maturity to be redeemed, or portions thereof in Authorized Denominations shall be made by the Registrar by lot in a manner determined by the Registrar. If it is determined that less than all of the principal amount represented by a Obligation is to be called for redemption, then the registered owner of that Obligation shall surrender the Obligation to the Registrar (i) for payment of the redemption price of the principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Obligation or Obligations of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Obligation surrendered.

The notice of the call for redemption of Obligations shall identify (A) by designation, letters, numbers or other distinguishing marks, the Obligations or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. If so directed by the City, that notice may provide with respect to any optional redemption that the redemption is contingent on the deposit of money with the paying agent in an amount sufficient to pay the redemption price of the Obligations to be optionally redeemed. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least seven days prior to the date fixed for redemption, to the registered owner of each Obligation subject to

redemption in whole or in part at the registered owner's address shown on the register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Obligation, however, shall not affect the validity of the proceedings for the redemption of any Obligation.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, and there shall have been deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, are sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Obligations for which notice of redemption has been given, the Obligations and portions thereof called for redemption shall become due and payable on the redemption date, and upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Obligations and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Obligations and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Obligations and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Obligations shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Obligations, provided that any interest earned on the moneys so held by the Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Obligations for redemption.

Section 5. Sale of Obligations. The Obligations shall be awarded to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Obligations in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor and the Original Purchaser's offer to purchase the Obligations, including: the principal amount of the Obligations, the purchase price (which shall be not less than 97% of the principal amount plus any accrued interest from the date of the Obligations to their date of deliv-

ery), the interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), any optional redemption dates, the interest payment dates, the date of the Obligations, and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Director of Public Utilities, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Obligations and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Obligations to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Obligations to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Obligations. The Director of Finance is authorized to sign and deliver on behalf of the City a purchase agreement between the City and the Original Purchaser (the "Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Obligations and the Original Purchaser agrees to buy the Obligations on terms consistent with this Ordinance, that are not substantially adverse to the City, and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments to the Purchase Agreement by the Director of Finance. The proceeds from the sale of the Obligations shall be applied as provided in the Certificate of Award. It is determined that the terms of the Obligations, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award are in the best interest of the City and in compliance with all legal requirements.

Section 6. Registrar Agreement; Other Documents. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Trustee, in its capacity as registrar and paying agent for the Obligations (the "Registrar"), in substantially the form as is now on file with the Clerk of Council in File No 261-10-A. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and

not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Obligations to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Obligations shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication printed on the Obligation is signed by the Registrar as authenticating agent. Authentication by the Registrar shall be conclusive evidence that the Obligation so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City.

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

Section 7. Establishment of Funds and Accounts. An account for the deposit of moneys to pay debt service on the Obligations (the "Subor-

dinate Lien Debt Service Fund") is established as a separate deposit account in the custody of the Bond Trustee in the Additions and Improvements Fund held by the City in accordance with the Bond Indenture. After making all payments required by Article V of the Bond Indenture to be made for the payment or security of the Bonds, there shall be deposited in the Subordinate Lien Debt Service Fund moneys sufficient to timely pay debt service on the Obligations payable in the then current year. A separate fund (the "Project Fund") shall be established for the deposit of the proceeds of the Obligations and shall be held by the City in a separate deposit account and used and applied to pay costs of the Project, including the reimbursement to the City of moneys temporarily advanced for the purpose in anticipation of being reimbursed from the proceeds of the Obligations. Moneys on deposit in the Subordinate Lien Debt Service Fund and the Project Fund may be invested by or at the direction of the Director of Finance in "Permitted Investments" as defined in the Bond Indenture. Any amounts in the Project Fund certified by the Director of Finance to be in excess of the amount needed to pay costs of the Project may be used to pay interest on the Obligations if that expenditure will not, in the opinion of bond counsel, adversely affect the exclusion of interest on the Obligations from gross income for federal income tax purposes.

Section 8. Official Statement; Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (an "Official Statement") is appropriate or necessary in connection with the sale of the Obligations, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Obligations and any necessary supplements and to authorize the use and distribution of an Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity the Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of the Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

If the SEC Rule is applicable to the Obligations, the City agrees, for the benefit of the holders and beneficial owners from time to time of the Obligations, to provide or cause

to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Obligations in accordance with the SEC Rule. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with any continuing disclosure agreement, including the timely provision of information and notices.

Section 9. Federal Tax Covenants. With respect to any Obligations issued as obligations the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Obligations"), the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Obligations in such manner and to such extent as may be necessary so that (a) the Tax-Exempt Obligations will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Tax-Exempt Obligations, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent,

approval, or waiver on behalf of the City with respect to the Tax-Exempt Obligations as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Obligations or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Obligations, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Obligations, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Obligations, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Obligations.

Section 10. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby purchase agreement or other credit enhancement or liquidity instrument as further security for the payment when due of the principal of and interest on all or any portion of the Obligations (a "Credit Support Instrument"). The Director of Finance may request a rating on the Obligations from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Obligations. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Obligations to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 11. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

Section 12. Authorization and Requirement of Declarations of Official Intent. The Director of Finance, in consultation with the Director of Public Utilities, is authorized to prepare and sign declarations of official intent in the form required by United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") with respect to original expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced for improvements to the Waterworks System and that is reasonably expected to be reimbursed from the proceeds of tax-exempt notes, bonds or other obligations; to make appropriate reimbursement and timely allocations from the proceeds of the tax-exempt notes, bonds or other obligations to reimburse such original expenditures; and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for original expenditures (other than expenditures excepted from such requirement under the Reimbursement Regulations) that are to be reimbursed subsequently from proceeds of tax-exempt notes, bonds or other obligations, unless a declaration of official intent with respect thereto is made within the time required by the Reimbursement Regulations.

Section 13. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Obligations in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as

required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Obligations. It is further found and determined, and is represented and recited, that all applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 16. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Obligations authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

Section 17. Emergency Measure. This ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of the Project which is urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed May 10, 2010.
Effective June 9, 2010.

Ord. No. 305-10.

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

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

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

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

Section 1. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 135.16, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 135.17, 135.18, and 135.180, as amended by Ordinance No. 1871-06, passed December 11, 2006,

Section 603.02, as amended by Ordinance No. 957-99, passed August 11, 1999,

Section 604A.03, as enacted by Ordinance No. 536-01, passed June 3, 2002, and

Section 604.99, as amended by Ordinance No. 957-99, passed August 11, 1999

are amended to read as follows:

Section 135.16 Division of Animal Control Services; Dog Warden; Spay and Neuter Clinic; Fee

(a) There is established in the Department of Public Safety, a Division of Animal Control Services, which shall consist of one Chief Dog Warden and at least one dog warden permanently assigned to each of the five police districts on a full-time basis, and other dog wardens as the Director of Public Safety deems necessary. All of these employees shall be uniformed employees under the control and management of the Director, who shall designate the kind of uniform to be worn and direct the operation of the Chief and other dog wardens.

(b) The Chief Dog Warden and all other dog wardens are authorized to give notice and issue citations to anyone found to be in violation of Section 603.02 or Section 603.04.

(c) There is established in the Department of Public Safety, Division of Animal Control Services, a Spay and Neuter Clinic, to be administered and controlled by a Veterinarian in Charge, subject to the direction of the Director of Public Safety. City residents may neuter or spay dogs or cats for the following fees:

- | | |
|----------------|----------|
| (1) Cat neuter | \$ 25.00 |
| (2) Cat spay | \$ 30.00 |
| (3) Dog neuter | \$ 35.00 |
| (4) Dog spay | \$ 40.00 |

All fees shall be paid to the City of Cleveland at the time the neuter or spay operation is performed.

Section 135.17 Acceptance of Gifts and Services for the Division of Animal Control Services

The Director of Public Safety is authorized to accept, with the grateful appreciation of the City, the funds, other personal properties, and services, unconditionally given or limited by conditions as the donor may impose, or unlimited as to specific use, as may from time to time be donated for the use and benefit of the Division of Animal Control Services.

Section 135.18 Special Revenue Fund Established for the Division of Animal Control Services

All moneys accepted under Section 135.17 shall be placed to the credit of the Division of Animal Control Services in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Division of Animal Control Services at the discretion of the Director of Public Safety, or in the manner and for the specific purpose named in the gift.

Section 135.180 Expenditure of Donated Funds for the Division of Animal Control Services

Expenditures from accounts shall be made on vouchers signed by the Director of Public Safety, or his designee, when the amount is less than ten thousand dollars (\$10,000); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108. No part of any funds credited to the accounts shall be paid to or for the benefit of any officer or employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Division of Animal Control Services or in any manner other than that applicable to the expenditure of other public funds, unless the payment is specifically provided for in the terms of the gift or authorized by resolution or ordinance of Council.

Section 603.02 Unmuzzled Dogs at Large; Duty to Report

(a) No person shall permit an unmuzzled dog at any time to be on a public street, highway, park, building or other public place except when held securely in leash by the owner or another responsible person except when the dog is legally engaged in training for the purpose of hunting, herding, agility or dog competition events, accompanied by the owner, keeper, harbinger, or a handler.

(b) Every City employee, while in the performance of his official duties, who has in his possession or under his control any radio transmitter and receiver, telephone or other device ordinarily used for two-way communication, shall immediately report to police officers or dog wardens of the City the sighting of any unmuzzled dogs found to be in a public place in violation of this section. The employee shall report the time, place, date and description of the dog, together with the employee's name.

(c) If a violation of division (a) of this section involves a dangerous or vicious dog as defined in division (b) or (k) of Section 604.01, the dog

shall be impounded under Section 603.02. Impoundment of a dangerous or vicious dog because it was found to be in violation of this section shall not exempt the owner of the dog from being prosecuted under Section 604.99.

(d) Whoever violates this section is guilty of permitting unmuzzled dogs at large, and shall be fined not less than one hundred dollars (\$100.00) on the first offense, and on each subsequent offense shall be fined not less than one hundred fifty dollars (\$150.00) or more than two hundred fifty dollars (\$250.00), which fine shall be mandatory, and shall not be suspended or remitted.

(e) An amount equal to the amount of fines and penalties imposed under this section shall annually be contributed to and used for the benefit of the Division of Animal Control Services.

Section 603A.04 Exemptions

Except for Sections 603A.14, 603A.15, 603A.16 and 603A.17, the provisions of which shall apply to all persons, this chapter shall not apply to any of the following:

(a) A person who keeps an exotic animal under a permit issued by the United States or the State of Ohio.

(b) A person whose duties include the keeping or handling of exotic animals, while the person is engaged in that duty, and who is employed by any of the following:

(1) The Division of Animal Control Services, Department of Public Safety, City of Cleveland.

(2) The County kennels.

(3) The Cleveland Metroparks Zoo.

(4) The Animal Protective League.

(5) A licensed veterinary hospital or clinic.

(6) A licensed or accredited research or medical institution.

(7) A facility licensed as an exhibitor or breeder by the United States Department of Agriculture under the Animal Welfare Act.

(8) A licensed or accredited educational institution, including museums.

(c) A person licensed as a wildlife rehabilitator under OHIO ADMIN. CODE § 1501:31-25-03.

(d) A person temporarily transporting an exotic animal through the City if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

A person who holds a license under OHIO REV. CODE ANN. § 1533.08 and corresponding regulations.

Section 604.99 Penalties

(a) If a violation of division (a), (b) or (c) of Section 604.03 involved a dangerous dog, whoever violates that Section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense and shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. Additionally, the Court may order the offender: (i) to personally supervise the dangerous dog that he owns,

keeps or harbors, (ii) to cause that dog to complete dog obedience training, (iii) to attend a class on responsible pet ownership and dog behavior, or (iv) to do all three. The Court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society. For repeat offenders of animal control laws under Sections 603.02 and 603.04, the Court may require the owner to attend a class on responsible pet ownership and dog behavior.

(b) If a violation of division (a), (b) or (c) of Section 604.03 involved a vicious dog, whoever violates that section may be found guilty of a misdemeanor of the first degree on a first offense. When any person is found guilty of a misdemeanor of the first degree such person shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. The Court may order the dog to be spayed or neutered at the owner's, keeper's or harbinger's expense. Additionally, the Court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(c) Any owner who does not obtain the liability insurance coverage required under divisions (a) or (b) of Section 604.04 shall be found guilty of a misdemeanor of the first degree.

(d) Any owner that is found to be in violation of division (d) of Section 604.03 shall be found guilty of a misdemeanor of the first degree.

(e) Any owner that is found to be in violation of division (d) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(f) Any owner that is found to be in violation of division (h) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(g) Any owner found to own, keep, or harbor a dog wearing a fictitious, altered, or invalid exemption tag shall be found guilty of a misdemeanor of the first degree.

(h) Any exempted dog conforming to division (k)(3) of Section 604.01 that is found to be in violation of divisions (k)(1) or (k)(2) of Section 604.01 shall forfeit its exemption status permanently.

(i) Any owner who is found guilty of violating divisions (c) or (d) of Section 604.04 shall be found guilty of a misdemeanor of the first degree and shall be fined one hundred dollars (\$100.00) on each subsequent offense which fine shall be mandatory and shall not be suspended or remitted.

(j) Any owner found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of the vicious or dangerous dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(k) An amount equal to the amount of fines and penalties imposed pursuant to this section shall

annually be contributed to and used for the benefit of the Division of Animal Control Services.

(1) This Section shall not apply whenever the conduct proscribed in this chapter constitutes a felony under RC 955.99.

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

Section 135.16, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Sections 135.17, 135.18, and 135.180, as amended by Ordinance No. 1871-06, passed December 11, 2006,

Section 603.02, as amended by Ordinance No. 957-99, passed August 11, 1999,

Section 604A.03, as enacted by Ordinance No. 536-01, passed June 3, 2002, and

Section 604.99, as amended by Ordinance No. 957-99, passed August 11, 1999

are repealed.

Section 3. That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the Division of Dog Pound, shall be amended to read the Division of Animal Control Services, consistent with this ordinance.

Section 4. That the Clerk of Council is authorized, when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and any amendments, to change all references to the Division of Dog Pound to read the division of Animal Control Services.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 410-10.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more agreements with Cuyahoga County for the use of the Ameritrust Building, located at 900 Euclid Avenue for training purposes for the Division of Fire, Department of Public Safety, for a period of one year.

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more agreements with Cuyahoga County for the use of the Ameritrust Building, located at 900 Euclid Avenue for training purposes for the Division of Fire, Department of Public Safety, for a period of one year.

Section 2. That the agreement will be approved by the Director of Law.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 411-10.

By Council Member Dow.

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

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

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

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

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

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

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

P. P. No. 106-03-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 66 in W.E. Andrews' Third Subdivision of part of Original One Hundred Acre Lots Nos. 344 and 345 as appears by the recorded plat in Volume 23 of Maps, Page 27 of Cuyahoga County Records, and being 30.78 feet front on the Southwesterly side of East Madison Avenue, (Addison Road, N.E.) 98.18 feet deep on the Northwesterly line, 105.05 feet deep on the Southeasterly line (which is also the Northwesterly line of Duluth Street, now known as Duluth Avenue, N.E.) and 30 feet in the rear as appears by said Plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 106-03-026

Situated in the City of Cleveland County of Cuyahoga, and State of Ohio; and known as being part of Original One Hundred Acre Lot No. 345, and bounded and described as follows:

Beginning at the intersection of the Northerly line of Wade Park Avenue N.E., (70 feet wide) and the Southwesterly line of Addison Road N.E., (50 feet wide); thence Westerly along the Northerly line of Wade Park Avenue N.E., 185 feet to the Southeasterly corner of land conveyed to Hyman Silverstein and Sidney Amder by deed dated August 14, 1952, and recorded in Volume 7634, Page 363 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Hyman Silverstein and Sidney Amder to the Northeasterly corner thereof and to a point in the Southeasterly line of parcel of land conveyed to Martin Weber and Margaret A. Weber, by deed dated January 17, 1950, and recorded in Volume 6875, Page 35 of Cuyahoga County Records; thence Northeasterly along the Southeasterly line of land so conveyed to Martin Weber and Margaret A. Weber to a point in the Southwesterly line of Addison Road N.E.; thence Southeasterly along the Southwesterly line of Addison Road N.E., 133 feet to its intersection with the Northerly line of Wade Park Avenue N.E., and the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 106-03-027

Situated in the City of Cleveland County of Cuyahoga, and State of Ohio; And known as being part of Original One Hundred Acre Lot No. 345, bounded and described as follows:

Beginning on the northerly line of Wade Park Avenue N.E., at a point distant Westerly 250 feet from its point of intersection with the Westerly line of Addison Road, N.E., formerly East Madison Avenue, thence Northerly at right angles to Wade Park Avenue N.E., 80 feet; to the Southwesterly corner of a parcel of land conveyed to Anna Katherine King by deed dated November 4, 1905, and recorded in Volume 1006, Page 234 of Cuyahoga County Records; thence Easterly parallel with the Northerly line of Wade Park Avenue N.E., and along the Southerly line of said parcel conveyed so to Anna Katherine King, 50 feet; thence North 13° 43', East and along the Southeasterly line of land conveyed to Anna Katherine King, by deed dated November 4, 1905, and recorded in Volume 1006, Page 234 of Cuyahoga County Records to the Northwesterly corner of land conveyed to Ann C. Britton by deed dated September 17, 1915 and recorded in Volume 1715, Page 97 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Ann C. Britton to the northerly line of Wade Park Avenue N.E., at a point distant Easterly 65 feet from the place of beginning, thence Westerly along the Northerly line of Wade Park Avenue N.E., 65 feet to the

place of beginning; and further known as 7307-11 Wade Park Avenue, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 412-10.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11002 Superior Avenue to Maher A. Suleiman.

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

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

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

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

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

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

P. P. No. 120-03-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1 in the Hamilton Allotment of part of Original 100 Acre Lot No. 387, as shown by the recorded plat in Volume 24 of Maps, Page 13 of Cuyahoga County Records and bounded and described follows:

Beginning at the intersection of the Southerly line of Superior Avenue N.E., with the Easterly line of East 110th Street; Thence Southerly along the Easterly line of East 110th Street 80.59 feet; Thence Easterly at right angles to said Easterly line of East 110th Street 42.07 feet; Thence Northerly on a line parallel with said Easterly line of East 110th Street 27.08 feet; Thence Westerly at right angles to the described line 2 feet; Thence Northerly to a point in the Southerly line of Superior Avenue N.E., which is 40.50 feet distant Easterly from the place of beginning, measured along the Southerly line of Superior Avenue N.E.; thence Westerly along the Southerly line of Superior Avenue N.E., 40.50 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways and ordinances, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 413-10.

By Council Member Mitchell.

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

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

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

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

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

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

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

P. P. No. 129-26-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 72 in the Frank Soika Subdivision No. 2 of part of Original One Hundred Acre Lot Nos. 436 and 437, as shown by the recorded Plat in Volume 47 of Maps, Page 11 of Cuyahoga County Records and being 56.17 feet front on the Easterly side of East 116th Street, 140 feet deep on the Southerly line, which is also the Northerly line of Soika Avenue, S.E., and 55.25 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 443-10.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment Program.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment Program, which will include painting fire hydrants and other assignments. If arranged by the Director of Public Utilities through negotiations with suburban communities, then the youth opportunities may include activities in those communities.

Section 2. That the cost of the contract or contracts authorized shall not exceed \$482,774.99 and be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002 RL 2010-37.

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 445-10.

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

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

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 11 of Ordinance No. 1659-08, passed December 8, 2008, is amended to read as follows:

Section 11. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited any grant proceeds or cash gifts accepted under this ordinance, American Recovery and Reinvestment Act (ARRA) funds accepted under Ordinance No. 463-09, passed April 20, 2009, Fund No. 58 SF 001, and from any fund or funds deemed appropriate by the Director of Finance and are appropriated for this purpose.

Section 2. That existing Section 11 of Ordinance No. 1659-08, 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.

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 446-10.

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

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

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, and 60 SF 141, Request No. RQS 3001 RL 2010-51.

Section 3. That Ordinance No. 762-09, passed August 5, 2009, is repealed.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 447-10.

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

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

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That this Council has determined that the within services are non-competitive and cannot be secured from any source other than Siemens Building Technologies, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed three years, of the necessary items of labor and materials necessary to maintain, repair, and expand the existing Building Automation System, which includes, but is not limited to interior and exterior lighting systems, HVAC, boilers, chillers, cooling towers, pumps, and air handlers, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 3001 RL 2010-13)

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 449-10.

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

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

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2009-10

school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

Section 1. That the Directors of Parks, Recreation and Properties and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2009-10 school year, under the program description contained in File No. 449-10-A. The cost of the contract or contracts shall not exceed \$1,000,000 and shall be payable from the fund or funds to which are credited the proceeds of the taxes levied under Ordinance No. 1025-A-95, passed June 28, 1995, under terms and conditions as are acceptable to the Director of Law.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 450-10.

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

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

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

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

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

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

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

P. P. No. 104-18-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4, the Easterly 12 feet of Sublot No. 1 and the Easterly 12 feet of the Northerly 52.27 feet of Sublot No. 2 in the Sweesy et. al. Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 50 feet on the Southerly side of Whittier Avenue, N.E., (formerly Sixth Avenue), and extending back of equal width 142.73 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 455-10.

By Council Members Conwell and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Village of Linndale, Ohio to provide emergency medical services within the Village of Linndale, for a peri-

od of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Linndale.

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

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

Section 1. That the Director of Public Safety is authorized to enter into an agreement with the Village of Linndale, Ohio to provide emergency medical services within the Village of Linndale, Ohio for an annual service coverage fee to be determined by the Board of Control and paid by the Village of Linndale in two yearly equal installment periods with a 3% increase to be applied to the total amount payable for each year following the initial year. This agreement shall be entered into as of January 1, 2011 and shall be for a term of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Linndale.

Section 2. That the agreement shall be authorized by the legislative body of the Village of Linndale.

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 456-10.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants, computer software developers, or vendors to acquire licenses or to develop an energy data management system, and other professional services necessary to implement the system, including project management, installing, designing, training, testing, maintenance, technical support, and other related issues; and authorizing the purchase by one or more contracts of computer hardware, servers, and other materials, equipment, supplies, and services needed to implement the management system, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to

employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to acquire one or more software licenses or to develop an energy data management system, and other professional services necessary to implement the system, including project management, installing, designing, training, testing, maintenance, technical support, and other related issues.

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

Section 2. That the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 3. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of computer hardware, servers, and other materials, equipment, supplies, and services not otherwise acquired under Section 1 of this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities for a period of two years.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund No. 58 SF 001, from the fund or funds which are credited the grant proceeds received under Ordinance No. 463-09, passed April 20, 2009, and any other funds deemed appropriate by the Director of Finance, and are appropriated for this purpose, Request No. RQS 2004 RL 2010-31.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 498-10.

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

An emergency ordinance to amend Section 2 of Ordinance No. 589-09, passed June 1, 2009, relating to the public improvement of renovating and upgrading the Runway Safety Area for Runway 10-28 at Cleveland Hopkins International Airport, and other related contracts.

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

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

Section 1. That Section 2 of Ordinance No. 589-09, passed June 1, 2009, is amended to read as follows:

Section 2. That, alternatively, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Improvement, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder after competitive bidding on a unit basis for the Improvement.

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

Section 2. That existing Section 2 of Ordinance No. 589-09, passed June 1, 2009, is repealed.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 502-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to provide armed security services at various indoor and outdoor recreation facilities, including but not

limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed fifteen months.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed fifteen months.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties 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 Parks, Recreation and Properties, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-56.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 503-10.

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

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

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; and

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours and in various recreation centers, provide leadership training, and conduct citywide summer tennis programs during day or evening hours, in an amount not to exceed \$289,511, payable from Fund Nos. 01-7004-6380, Request No. RQS 7004 RL 2010-58.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 504-10.

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

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

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program and to pay participant entry fees, in an amount not to exceed \$75,098, payable from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-57.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 505-10.

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

An emergency ordinance authorizing the Director of Parks, Recre-

ation and Properties to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$75,000.00, payable from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-60.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 506-10.

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

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

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into contract with the Salvation Army, Cleveland Temple Corps, 17625 Grovewood Avenue, Cleveland, Ohio, 44119, or its designee, to administer and facilitate recreational services in the Collinwood Community in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties, in the total sum of \$70,000, payable from Fund No. 01-7004-6380, Request No. RQS 7004 RL 2010-61.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 507-10.

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

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

Whereas, the City of Cleveland has received Community Development Block Grant, Year 36 funds from the United States Government; and

Whereas, City Council has designated administrative processing costs from Neighborhood Equity Funds; 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 Community Development Block Grant funds in the amount of \$4,272,000 from Fund Nos. 14 SF 033, 14 SF 034, and 14 SF 035, 14 SF 036 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$3,747,000
Other	525,000

Section 2. That the Director of Community Development is authorized to expend funds and enter into contracts for reimbursement of non-profit subrecipients for the cost of audit and other professional services.

Section 3. That this Council determines that the within commodities are non-competitive and cannot be secured from a source other than Executive Information Systems, LLC. Therefore the Director of Community Development is authorized to make one or more written contracts with Executive Information Systems, LLC for SAS software maintenance, to be purchased by the Commissioner of Purchases and Supplies, for the Department of Community Development, for a period of two years.

Section 4. That the costs of the contracts authorized in this ordinance shall be paid from Fund No. 14 SF 036.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 508-10.

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

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

Whereas, the City of Cleveland has received Community Development Block Grant ("CDBG") Year 36 and Year 2010 Federal HOME Program grants from the United States Government; 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 CDBG and Federal HOME Program funds are appropriated for the administration of the Housing Rehabilitation Programs.

Section 2. That the Director of Community Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform property inspections to comply with Section 8 Housing Quality Standards.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Community Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Community Development 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 Community Development, and certified by the Director of Finance.

Section 3. That the costs incurred in Sections 1 and 2 of this ordinance may not exceed \$1,740,000 and shall be paid from Fund Nos. 14 SF 036 and 19 SF 640.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 509-10.

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

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

Whereas, the City of Cleveland has received a Community Development Block Grant ("CDBG"), Year 36 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 36 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; 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 Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for-profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund

Program and other programs administered by the Department of Community Development.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$8,455,000.00 and any prior years NDA balances and shall be paid from Fund Nos. 14 SF 030, 14 SF 031, 14 SF 032, 14 SF 033, 14 SF 034, 14 SF 035 and 14 SF 036.

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

Section 7. That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 8. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 513-10.

By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance to amend the title and Sections 1, 2, 3, 4, 7 and 8 of Ordinance No. 775-07, passed

July 11, 2007, relating to the Automatic Meter Reading System Program; authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide funding for the Program; and to authorize the Director of Public Utilities to enter into an amendment to Contract No. 67994 with CH2M Hill, Inc. to provide project administration services for the implementation of the program.

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

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

Section 1. That the title and Sections 1, 2, 3, 4, 7, and 8 of Ordinance No. 775-07, passed July 11, 2007, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Public Utilities to employ consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary for installing, designing, assessing, administering, training, implementing, testing, integrating, migrating, maintenance and providing incidental equipment and supplies and other services necessary to implement a meter automation, replacement, and water loss control program throughout the Division of Water service area; applying for and accepting a Water Supply Revolving Loan Account loan to provide funding for the Program; determining the method of making the public improvement of installing new equipment, including removing existing equipment if necessary; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement, for the Department of Public Utilities.

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland for installing, designing, assessing, administering, training, implementing, testing, integrating, migrating and providing incidental equipment and supplies and other services necessary to implement a meter automation, replacement, and water loss control program throughout the Division of Water service area ("Automatic Meter Reading System Program"), generally described in the Executive Summary and Legislative History of AMR Legislation placed in the file mentioned below, to acquire software licenses, if necessary, and other professional services necessary to implement the program and for hardware and software maintenance, support, and training, on an as-needed basis, for a period of one year with three one-year options to renew for additional one-year periods, for the Department of Public Utilities, exercis-

able at the option of the Director of Public Utilities.

The selection of the consultants, computer software developers, or vendors for the licenses or 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. That a copy of the selected proposal shall be placed in the file mentioned below.

Section 2. That the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$11,000,000 to provide funding for the Automatic Meter Reading System Program.

Section 3. That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan which loan agreement shall substantially be in the same form as the agreement contained in File No. 513-10-A. The Director of Public Utilities is further authorized to file all papers and execute all documents to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

Section 4. That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement, from the operating revenues of the Division of Water.

Section 7. That the Director of Public Utilities is authorized to enter into any third party license agreements, including maintenance and support, necessary to effect the purposes of this ordinance.

Section 8. That the cost of the contract, contracts, and contract amendments authorized in this ordinance shall not exceed \$90,000,000 and shall be paid from the fund or funds to which are credited the proceeds of the sale of future waterworks revenue bonds issued for this purpose, from the fund or funds to which are credited the proceeds of the sale of water revenue obligations authorized by Ordinance No. 261-10, from the fund or funds to which are credited the proceeds of the WSRLA loan, and Fund No. 52 SF 001, Request No. 173608.

Section 2. That the existing title and Sections 1, 2, 3, 4, 7, and 8 of Ordinance No. 775-07, passed July 11, 2007, are repealed.

Section 3. That the Director of Public Utilities is authorized to enter into an amendment to Contract No. 67994 with CH2M Hill, Inc. to

provide project administration services for the implementation of the program.

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

Passed May 10, 2010.

Effective June 9, 2010.

Ord. No. 520-10.

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

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

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 36, from the United States Government; 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 Community Development Block Grant funds in the amount of Two Hundred Sixty Thousand Dollars (\$260,000) from Fund No. 14 SF 036, RQS 8006 RL 2010-81, are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 521-10.

By Council Member Polensek.

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

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

lands situated within the City of Cleveland; and

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

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Most Reverend Richard G. Lennon, Bishop of the Diocese of Cleveland.

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

P. P. No. 116-09-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 21 in WA Rose's Subdivision of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 8 of Maps, Page 1 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 155th Street (formerly Otto Street) and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two thirds of all the members elected to Council,

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 611-10.

By Council Member Cimperman.

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

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 612-10.

By Council Member Cimperman.

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

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 613-10.
By Council Members Cimperman and Polensek.

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

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

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

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

Section 2. That this ordinance is hereby declared to be an emergency

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 614-10.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Westside Catholic Center Run on June 12, 2010, sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Westside Catholic Center Run, sponsored by Hermes Sports & Events on June 12, 2010, starting at WSCC on Lorain; Lorain to Fulton Road; Fulton to Franklin Blvd.; Franklin Blvd. to West 65th; turn around, Franklin Blvd. to West 38th; West 38th to Lorain; Lorain to WSCC — finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 615-10.
By Council Member Conwell.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch one (1) banner at Ford Drive, for the period from May 10, 2010 to May 30, 2010, inclusive, publicizing the 41st Hessler Street Fair.

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 616-10.
By Council Members Mitchell, Conwell, J. Johnson, Cimperman, Cummins, Zone, Westbrook and Sweeney.
An emergency ordinance consenting and approving the issuance of a permit for the Rite Aid Cleveland Marathon, May 16, 2010, sponsored by Cleveland Marathon, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the RiteAid Cleveland Marathon sponsored by Cleveland Marathon, Inc. on May 16, 2010, with the Full Marathon starting at East 9th in front of the Galleria; N. on 9th; W. on Erieside; N. on Erieside; W. on Erieside; S. on West 3rd; W. on Lakeside; S. on W. 6th; W. 6th turns into Prospect; S. on Ontario; SW on exit ramp to Carnegie; W. on Carnegie; W. on Lorain; N. 38th; W. on Detroit; W. on Lake; N. on Cove; E. on Edgewater; E. on ramp to Cleveland

Memorial (Shoreway); E. On Cleveland Memorial (Shoreway); exit Shoreway from west bound entrance ramp on Lakeside; N. on W. 3rd; E. on Alfred Lerner Way; E. on Eriesside (south side of Browns Stadium); E. on N. Marginal; around south side on path at end of N. Marginal S. on Martin Luther King; S. on East Blvd.; S. on E. 105; N. on MLK; W. on St. Clair; S. on E. 40th, W. on Euclid, N. on E. 18th, W. on Lakeside; finish on Lakeside between Willard Park and City Hall, Half Maraton starting at 9th in front of Galleria; N. on 9th; W. on Eriesside; N. on Eriesside; W. on Eriesside; S. on West 3rd; W. on Lakeside; S. on W. 6th; W. 6th turns into Prospect; S. on Ontario; S.W. on exit ramp to Carnegie; W on Carnegie; W. on Lorain; N. 38th; W on Detroit; W. on Lake; N. on Cove; E. on Edgewater; E. on ramp to Cleveland Memorial (Shoreway); E. on Cleveland Memorial (Shoreway); take on ramp from Lakeside to Lakeside; S. on W. 3rd; E. on St. Clair; N on 9th; E. on Lakeside; finish on Lakeside between Willard Park and City Hall, 5K Marathon starting at on street in front of Shooters Parking Lot; W on Main; Right on Elm; Left on Hemlock; left on Mulberry; right on Main; left on W. 25; right on Detroit, left on W. 45; left on Franklin; left on W. 25; right on Main; left on Mulberry; right on Hemlock; right on Elm; left on Main; finish by entrance to Shooters, 10K Marathon starting on, 9th in front of Galleria; N. on 9th; E. on N. Marginal Drive; take off-ramp to 55th; S on 55th; W. on S. Marginal Drive; turnaround at Amtrack Station; E. on off-ramp to E. 9th; S on 9th; W. on Lakeside; finish on Lakeside by Stamp in Willard Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 617-10.

By Council Member Cimperman.

An emergency ordinance to amend Section 10 of Ordinance No. 808-09, passed June 8, 2009, relating to making the public improvement of con-

structing a bike station in Gateway North Garage and authorizing a Lease By Way of Concession for the operation of the bike station with Downtown Cleveland Alliance and other professional consultants to implement the project.

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

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

Section 1. That Section 10 of Ordinance No. 808-09, passed June 8, 2009, is amended to read as follows:

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

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

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

Passed May 10, 2010.

Effective May 19, 2010.

Ord. No. 618-10.

By Council Member Zone.

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

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

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

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

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

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

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

Passed May 10, 2010.

Effective May 19, 2010.

Ord. No. 623-10.

By Council Member J. Johnson.

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

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

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

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

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

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

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

Passed May 10, 2010.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

**Monday, May 17, 2010
2:00 p.m.**

Public Service Committee and Finance Committee: Present in Service: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

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

2:00 p.m.

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

**Wednesday, May 19, 2010
10:00 a.m.**

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

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Old Brooklyn Design Review District — Henritze Ave., Pearl Rd., State Rd. & Leopold Ave. — City Planning Commission (O 461-10)	705
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Ward 14

National Emergency Medical Services Week 2010 — recognition (R 686-10)	684
Rite Aid Cleveland Marathon — permit — May 16th — Cleveland Marathon, Inc. (O 616-10)	725
Seymour Ave. & W. 30th St. — Change the Use District — Two Family Residential to Residence — Industry — City Planning Commission (O 460-10)	696

Ward 15

Amend Sect. 5 of Ord. No. 555-09 — Coast Guard Station Roof (O 618-10)	726
Cleveland Public Theatre Rehabilitation Project (R 674-10)	693
Consent agreement and cause payment for Lakefront pedestrian tunnels (O 663-10)	690
Gordon Square Arts District — Cleveland Improvement District (R 621-10)	696
Rite Aid Cleveland Marathon — permit — May 16th — Cleveland Marathon, Inc. (O 616-10)	725
Sagrada Familia Church — Detroit Ave. — banners — June 1 to June 30th — Church Festival (O 668-10)	691
St. Stephen Roman Catholic Church — congratulations (R 685-10)	684
W. 65th St., (between Fir Ave. & Madison Ave.) — change Use, Area and Height Districts — Two Family Residential — City Planning Commission (O 368-10)	696

Ward 16

Almira Ave., 9806-08 (1st. fl.) — transfer of ownership application — liquor permit (F 681-10)	683
Rite Aid Cleveland Marathon — permit — May 16th — Cleveland Marathon, Inc. (O 616-10)	725

Ward 17

West 130th St., 4281 — objection to issuance — liquor permit (R 625-10)	706
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Ward 18

Rite Aid Cleveland Marathon — permit — May 16th — Cleveland Marathon, Inc. (O 616-10)	725
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Ward 19

Warren Rd., 3314 — stock transfer application — liquor permit (F 682-10)	683
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Water Division

Amend title & Sect(s) 1,2,3,4,7,8 of Ord. No. 775-07 — Automatic Water Meter Reading Program (O 513-10)	723
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Water Mains

Amend title & Sect(s) 1,2,3,4,7,8 of Ord. No. 775-07 — Automatic Water Meter Reading Program (O 513-10)	723
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Zoning

East 140th St. (south of I-90 and north of Kelso Ave.) — change from Local Retail Business to Residence Office — Diana Ave. (southwest corner and E. 140th) change to two family Residential and a 'B' Area District (Ward 10) (O 213-10)	704
Old Brooklyn Design Review District — Henritze Ave., Pearl Rd., State Rd. & Leopold Ave. — City Planning Commission (Ward 13) (O 461-10)	705
Seymour Ave. & W. 30th St. — Change the Use District — Two Family Residential to Residence — Industry — City Planning Commission (Ward 14) (O 460-10)	696
W. 65th St., (between Fir Ave. & Madison Ave.) — change Use, Area and Height Districts — Two Family Residential — City Planning Commission (Ward 15) (O 368-10)	696