

The City Record

Official Publication of the Council of the City of Cleveland



January the Twelfth, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

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

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

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

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

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

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

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

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

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:

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

Engineering and Construction – _____, Manager

Real Estate – _____, Commissioner

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

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

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – _____, Treasurer, Room 115

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

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

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

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

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – _____, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – _____, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner

Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza

Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

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

DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue

Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – _____, Manager

Neighborhood Development – _____, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500

DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Lisa Marion, Director, Room 121

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

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

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

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

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

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

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

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

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

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

Michael Flickinger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Render, Genesis O. Brown.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kelley.

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

Whalen, Nancy Cronin, Elvin Vauss.

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

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

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

Keiser, Secretary.

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

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

J. Triozzi.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J.

Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, JANUARY 12, 2011

No. 5066

CITY COUNCIL

MONDAY, JANUARY 10, 2011

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, January 10, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Minor, Chief of Public Affairs — Director of Office of Equal Opportunity, and Directors Triozzi, Dumas, Withers, Carroll, Flask, Cox, Rush, Rybka, Marion, Nichols, Griffin, Fumich, Lucille Ambroz, Secretary, Civil Service, and Teresa Stevenson of Legislative Affairs.

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

MOTION

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

COMMUNICATIONS

File No. 1-11.
From: Secretary of the Board of Control. RE: Board of Control Concurrences in reorganization of Departments, Divisions, and Offices under Ordinance Nos. 1329-10, 1330-A-10, and 1332-10. Received.

File No. 30-11.

From: Chief Operating Officer of City of Cleveland. RE: Organizational list of Departments of Public Works and Office of Capital Projects. Received.

File No. 31-11.

From: Director of Finance of City of Cleveland. RE: Notification of City intent to issue Water Revenue Bonds, Series U, 2010 and Series V, 2010 to refund outstanding Water Series R and Water Series S Bonds, pursuant to Section 26 of Ordinance No. 1360-10, passed November 8, 2010. Received.

File No. 32-11.

From: President of Cleveland City Council. RE: Letter to Allan Dreyer to serve as Clerk of Council Pro Tempore for matters requiring Clerk's signature from December 21, 2010 to January 10, 2011. Received.

OATHS OF OFFICE

File No. 33-11.

From: Daniel K. Bernath — Captain of Police to the City of Cleveland. Received.

File No. 34-11.

From: Michael E. Cox — Director of the Department of Public Works to the City of Cleveland. Received.

File No. 35-11.

From: Michelle G. Kennedy — Lieutenant of Police to the City of Cleveland. Received.

File No. 36-11.

From: Leroy Morrow, Jr. — Deputy Chief of Administrative Operations to the City of Cleveland. Received.

File No. 37-11.

From: Harold A. Pretel — Commander of Homeland Security to the City of Cleveland. Received.

File No. 38-11.

From: Randell T. Scott — Assistant Director of Operations to the Department of Public Works, to the City of Cleveland. Received.

File No. 39-11.

From: Antoinette Thompson — Assistant Director of Recreation and Events, to the Department of Public Works, to the City of Cleveland. Received.

File No. 40-11.

From: Jomarie Wasik — Director of the Mayor's Office of Capital Projects, to the City of Cleveland. Received.

PLATS

File No. 41-11.

Council Member Cimperman (Ward 3).

Dedication Plat of Loop Road, N.W. for Roadway purposes located north of Detroit Avenue at West 25th Street.

Approved by Planning Director; Referred to Committees on City Planning and Public Works.

File No. 42-11.

Council Member Cleveland (Ward 5).

Dedication Plat of East 70th Street and Anita Kennedy Road, S.E. for Roadway purposes Garden Valley Estates Phase 1. Located south of Kinsman Road, East 71st Street to Sidaway Avenue.

Approved by Planning Director; Referred to Committees on City Planning and Public Works.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 43-11.

Re: #2384041 — C1 New Application — E B Pizza, LLC, d.b.a. Guys Pizza, 538 Superior Avenue. (Ward 3). Received.

File No. 44-11.

Re: #4305191 — D1, D2, D3, D6 Stock Application — Johnny Mango, Inc., d.b.a. Johnny Mango, 1st fl W/S and bsmt and patio, 3120 Bridge Avenue. (Ward 3). Received.

File No. 45-11.

Re: #8003677 — D1, D2, D6 Transfer of Ownership Application — 1785 Merwin Street, LLC, d.b.a. Commodores Club, 1785 Merwin Street. (Ward 3). Received.

File No. 46-11.

Re: #9761591 — C2 Transfer of Ownership Application — Woodland Supermarket, Inc., d.b.a. Woodland Supermarket, 6206 Woodland Avenue. (Ward 5). Received.

File No. 47-11.

Re: #36937060005 —D1, D2, D3, D3A, D6 Transfer of Ownership Application — Hayes Development Group, LLC, d.b.a. The Stage, 3400 St. Clair Avenue. (Ward 8). Received.

File No. 48-11.

Re: #69512790175 —D1, D2 Transfer of Ownership Application — Pizza Hut of America, Inc., d.b.a. Pizza Hut, 18324 Euclid Avenue. (Ward 10). Received.

File No. 49-11.

Re: #2405365 — C2 New Application — East 152nd, Inc., 657 East 152nd Street. (Ward 11). Received.

File No. 50-11.

Re: #7483542 — D1, D2, D3, D3A Stock Application — Rogmoore, Inc., 783 East 185th Street Rear and Patio, 779 East 185th Street, 1st floor and Basement. (Ward 11). Received.

File No. 51-11.

Re: #1970756 — D5J New Application — Kenneth Davis, d.b.a. Habor Pub, 15617 Waterloo Road. (Ward 11). Received.

File No. 52-11.

Re: #3648441 — C1, C2 Transfer of Ownership Application — Harvard Gas, LLC, d.b.a. Harvard Gas USA, 7020 Harvard Avenue. (Ward 12). Received.

File No. 53-11.

Re: #73935330755 — C1 New Application — Riser Foods Company, d.b.a. Ridge Road Getgo 3361, 4951 Ridge Road. (Ward 13). Received.

File No. 54-11.

Re: #8327854 — C1 New Application — Snappy Gas Mart, Inc., Snappy Gas Mart, 4189 Ridge Road. (Ward 13). Received.

File No. 55-11.

Re: #7638513 — C2, C2X Transfer of Ownership Application — Sabri 3548, Inc., d.b.a. Kwik Check Deli, 3548 Fulton Road. (Ward 14). Received.

File No. 56-11.

Re: #935794112444 — C2 New Application Walgreen Co., d.b.a. Walgreens 12444, 3415 Clark Avenue. (Ward 14). Received.

File No. 57-11.

Re: #8981727 — D1, D2, D3, D3A Stock Application — Tombstone Tavern, Inc., 2240 Fulton Road, 1st floor, basement, and patio. (Ward 15). Received.

File No. 58-11.

Re: #69512790165 —D1, D2 Transfer of Ownership Application — Pizza Hunt of America, Inc., d.b.a. Pizza Hut, 1407 West 117th Street. (Ward 16). Received.

File No. 59-11.

Re: #26367590005 — C1 New Application — Mohsen Fanous, d.b.a. Nick Beverage and More, 12722 Lorain Avenue. (Ward 17). Received.

MAYOR'S APPOINTMENTS

File No. 60-11.

January 6, 2011

The Honorable Martin J. Sweeney
City Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

The Honorable T.J. Dow
Chairman, Mayor's Appointments
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Sweeney and
Chairman Dow:

Included below are the names and term ending dates of the Mayor's nominations to be considered at the upcoming meeting of Cleveland City Council's Mayor's Appointment Committee. Both nominations are to serve as Alternates on the City Planning Commission.

City Planning Commission

Jennifer Coleman, Term Ending 1-1-2017
Dave Johnson, Term Ending 1-1-2017

Additionally, resumes and/or biographies are attached for the candidates. I can be reached at 216.664.3544 or vmccall@city.cleveland.oh.us if you have any questions.

Thank you in advance for your cooperation.

Sincerely,
Valerie J. McCall
Chief of Government Affairs

Received.
Referred to Committee on Mayor's Appointments.

MAYOR'S APPOINTMENT COMMITTEE

File No 60-11-A.

January 10, 2011

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the City Planning Commission.

We have before us the Mayor's Letter wherein he names his appointment to the City Planning Commission:

Jennifer Coleman
New Appointment - Term expires on January 1, 2017

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Kevin J. Kelley
Eugene R. Miller
Martin J. Sweeney

Received.

Without objection, Mayor's Appointment approved. Yeas 18. Nays 0.

File No. 60-11-B.

January 10, 2011

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the City Planning Commission.

We have before us the Mayor's Letter wherein he names his appointment to the City Planning Commission:

Dave Johnson
New Appointment - Term expires on January 1, 2017

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Kevin J. Kelley
Eugene R. Miller
Martin J. Sweeney

Received.

Without objection, Mayor's Appointment approved. Yeas 18. Nays 0.

CONDOLENCE RESOLUTIONS

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

Res. No. 61-11—Henrietta (Henri) King.

Res. No. 62-11—Leslie M. Peters.

Res. No. 63-11—Dominga A. Marquez.

- Res. No. 64-11**—Maureen Kelly.
Res. No. 65-11—Margaret Edith (Thompson) Condrey.
Res. No. 66-11—Stanley E. Tolliver, Sr.
Res. No. 67-11—Catherine Mustin.
Res. No. 68-11—Franklin R. "Nitty" Brown.
Res. No. 69-11—Althalee Barnes.
Res. No. 70-11—Jay Arrington.
Res. No. 71-11—Sr. Francis Regis Mueller.
Res. No. 72-11—Patricia E. Campbell.
Res. No. 73-11—John Roll, U.S. District Judge for the District of Arizona (victim of Arizona Shooting).
Res. No. 74-11—Christina Green (victim of Arizona Shooting).
Res. No. 75-11—Dorothy Morris (victim of Arizona Shooting).
Res. No. 76-11—Phyllis Schneck (victim of Arizona Shooting).
Res. No. 77-11—Dorwan Stoddard (victim of Arizona Shooting).
Res. No. 78-11—Gabe Zimmerman (victim of Arizona Shooting).

CONGRATULATION RESOLUTIONS

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

- Res. No. 79-11**—Alex Machaskee.
Res. No. 80-11—Rafael Reyez Davila.
Res. No. 81-11—St. Ignatius Wildcats Soccer Team.
Res. No. 82-11—Rev. Lawrence H. Craig.

RECOGNITION RESOLUTION

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

- Res. No. 83-11**—Beth Mooney.

APPRECIATION RESOLUTIONS

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

- Res. No. 84-11**—Dennis J. Roche.
Res. No. 85-11—Matthew Carroll.
Res. No. 86-11—James Rokakis.

WELCOME RESOLUTION

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

- Res. No. 87-10**—Bronislaw Komorowski.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 6-11.
By Council Members Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of recycled or virgin asphalt concrete, for the Division of Streets, Department of Public Works and the various divisions of the Department of Public Utilities.

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

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

Section 1. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of recycled or virgin asphalt concrete in the approxi-

mate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Works and the various divisions of the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms.

Section 2. That the cost of the contract and contracts shall be charged against the proper appropriation account 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 certified by the Director of Finance. (RQN 4006, RL 2010-69)

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

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

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

Ord. No. 7-11.
By Council Members Keane and Sweeney (by departmental request)

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

Whereas, under the authority of Ordinance No. 850-09, passed November 9, 2009, the Director of Port Control entered into Contract No. 69948 with AirNet Systems, Inc. to provide for the lease of space to be used for flight planning and as a layover rest area for flight crews at Burke Lakefront Airport; and

Whereas, Ordinance No. 805-09 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69948 for an additional year with AirNet Systems, Inc. to provide for the lease of space to be used for flight

planning and as a layover rest area for flight crews at Burke Lakefront Airport, for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 805-09 to exercise this option.

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

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

Ord. No. 8-11.
By Council Members Keane, Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into an amendment to Contract No. 38890 with Pleasant Valley Enterprises for the lease of property located at 14550 Lorain Avenue, for a period of one year with two options to renew, the second of which is exercisable through additional legislative authority.

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

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

Section 1. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into an amendment to Lease Agreement No. 38890, for the lease of property at 14550 Lorain Avenue to extend the term for one year with two options to renew for additional one-year terms. The first of the one-year options to renew may be exercised by the Director of Public Works and cancelable by the Director of Public Works, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. The rental for the initial extension term shall be \$88,000 and the rental term for each option year shall be determined by the Board of Control provided that the rental term shall not increase by more than \$1,000 each year, payable from Fund No. 11 SF 401, RQS 4006, RL 2010-208.

Section 2. That the amendment authorized 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 Public Works, Finance, Law; Committees on Public Service, Finance.

Ord. No. 9-11.
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the Fire Prevention and Safety grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approxi-

mate amount of \$16,000, and any other funds that may become available during the grant term from the United States Department of Homeland Security to conduct the Fire Prevention and Safety Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 9-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide a cash match of \$4,000 payable from Fund No. 11 SF 006, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

Ord. No. 10-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance to amend Sections 1 and 14 of Ordinance No. 467-10, passed May 24, 2010, as amended by Ordinance No. 1520-10, passed November 29, 2010; relating to authorizing the Director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization 2 Program, including the Very Low Income housing project program.

Whereas, under Ordinance No. 467-10, passed May 24, 2010, as amended by Ordinance No. 1520-10, passed November 29, 2010, this Council authorized the Director of Economic Development to apply for and accept approximately \$20,803,162 in grant funds to conduct the Neighborhood Stabilization 2 Program ("NSP 2") and to authorize various activities and agreements to implement the NSP 2; and

Whereas, an additional \$4,910,348 in grant funds are available under NSP 2 for Very Low Income housing project activities, for a total of \$25,713,510 in NSP 2 grant funds; and

Whereas, the City through the Department of Community Development has been authorized to accept the NSP 2 funding; 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 Sections 1 and 14 of Ordinance No. 467-10, passed May 24, 2010, as amended by Ordinance No. 1520-10, passed November 29, 2010, are amended to read as follows:

Section 1. That the Neighborhood Stabilization II Program shall be administered in accordance with the Executive Summary, placed in File No. 467-10-C, which file shall also contain a description of the Neighborhood Stabilization 2 Program.

Section 14. That the cost of the contracts authorized in this ordinance shall not exceed **\$25,713,510**, and shall be paid from the fund or funds to which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009.

Section 2. That existing Sections 1 and 14 of Ordinance No. 467-10, passed May 24, 2010, as amended by Ordinance No. 1520-10, passed November 29, 2010, 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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 11-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development and the State of Ohio for the Neighborhood Stabilization Program 3 approved under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

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 apply for and accept grants from the U. S. Department of Housing and Urban Development (HUD) and the State of Ohio in the total aggregate amount of \$6,793,290 for the Neighborhood Stabilization Program 3 purposes set forth in the budgets and according thereto and in compliance with the requirements of the Dodd-Frank Wall Street Reform and Consumer Protection Act. That the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grants, and that the funds are appropriated for the purposes set forth in the summary for the grants.

Section 2. That the summary for the grant, File No. 11-11-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 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. 12-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to consent to the assignment of Contract Nos. 57403 and 58993 from West Virginia Building LLC to WV Lofts, LLC regarding the rehabil-

itation of rental units at 1830-40 West 28th Street; and authorizing the Director to enter into amendments to the assigned contracts regarding certain terms.

Whereas, under Ordinance Nos. 1017-99, passed June 17, 1999 and Ordinance No. 1044-01, passed June 19, 2001, this Council authorized the Director of Community Development to enter into Contract Nos. 57403 and 58993 with West Virginia Building LLC regarding the rehabilitation of rental units at 1830-40 West 28th Street; and

Whereas, West Virginia Building LLC is willing to allow WV Lofts, LLC to assume the obligations of Contract Nos. 57403 and 58993; and

Whereas, West Virginia Building LLC has requested consent of the City to the assignment of Contract Nos. 57403 and 58993; 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 is authorized to consent to the request of West Virginia Building LLC to assign the obligations of Contract Nos. 57403 and 58993 to WV Lofts LLC ("Assignments").

Section 2. That the Director of Community Development is authorized to enter into amendments to Contract Nos. 57403 and 58993, assigned by Section 1 of this ordinance ("Amendments"), with WV Lofts LLC containing the following provisions described in File No. 12-11-A.

Section 3. That the Director of Community Development is authorized to execute all documents and do all things necessary to effect the consent to the Assignments and Amendments authorized by this legislation. A copy of the Assignments shall be filed in the Office of the Commissioner of Accounts.

Section 4. That the amendments shall be prepared by the Director of Law.

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

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

Ord. No. 13-11.
By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for proposed redevelopment of the John Hartness Brown Building at 1001-1101 Euclid Avenue; authorizing the Director to enter into one or more contracts with JHB Hotel, LLC, or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional 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 oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

Whereas, the redevelopment of the John Hartness Brown Building at 1001-1101 Euclid Avenue is a high-priority project for the City of Cleveland; and

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development for environmental assistance for proposed redevelopment of the John Hartness Brown Building at 1001-1101 Euclid Avenue Street, to be used to implement the project as described in the executive summary below; 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 and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant File No. 13-11-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 enter into one or more contracts with JHB Hotel, LLC, or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site.

Section 4. 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 who employ an Ohio VAP-Certified professional 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 oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

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.

Section 5. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

Section 6. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

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

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

Ord. No. 14-11.
By Council Members Cimperman, Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for brownfield redevelopment assistance for proposed redevelopment of the Lake Link Trail; authorizing the Director to enter into one or more contracts with ParkWorks, Inc., or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional 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 oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

Whereas, the redevelopment of the Lake Line Trail is a high-priority project for the City of Cleveland; and

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$1,500,000, from the State of Ohio Department of Development for brownfield redevelopment assistance for proposed redevelopment of the Lake Link Trail, to be used to implement the project as described in the executive summary below; 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 and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant, File No. 14-11-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 enter into one or more contracts with ParkWorks, Inc., or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site and to require the maintenance of the property as green space or public space for at least ten (10) years after the award of the grant.

Section 4. 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 who employ an Ohio VAP-Certified professional 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 oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

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.

Section 5. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

Section 6. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

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

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

Ord. No. 15-11.
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the Assistance to Firefighters Grant; and authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services, including self-contained breathing apparatus and accessories, needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$637,440 and any other funds that may become available during the grant term from the United States Department of Homeland Security to conduct the Assistance to Firefighters Grant; 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 award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 15-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide a cash match of \$159,360 payable from Fund No. 11 SF 006, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services, including self-contained breathing apparatus and accessories, needed to implement the

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

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

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

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

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

Ord. No. 16-11.

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

An emergency ordinance supporting Lake Erie Energy Development Corporation's initial project for the installation of wind energy conversion systems on Lake Erie; to support their initial application for an option to enter into submerged land leases with the Ohio Department of Natural Resources; and appointing a representative of the City to serve as a member of their Board of Directors.

Whereas, the City of Cleveland desires to create and preserve jobs and employment opportunities for and improve the economic welfare of the residents of the City; and

Whereas, Lake Erie Energy Development Corporation ("LEEDCo") was formed for charitable, educational, and scientific purposes, including, without limitation, to support economic development by promoting alternative sources of energy in Northeast Ohio and to facilitate the production of energy from renewable sources, specifically in the area of wind energy conversion technologies, which aids compliance with federal, state, and local Advanced Energy Portfolio Standards; and

Whereas, in furtherance of its purposes, LEEDCo has decided to support an initial project to install 20 megawatts ("MW") of wind energy capacity (the "Initial Project") in the waters of Lake Erie, with the goal of installing the first 1,000 MW of offshore wind energy capacity in North America; and

Whereas, the success of the Initial Project has the potential to attract investment in Ohio that can create jobs, especially in the City and the counties located along the shore of Lake Erie; and

Whereas, LEEDCo plans to acquire the submerged land leases necessary for the Initial Project in order to leverage economic development opportunities for Ohio through, among other things, a sublease with a developer; and

Whereas, LEEDCo seeks the support of the City and lakefront counties to prioritize acquisition of the submerged land leases necessary for the Initial Project; and

Whereas, LEEDCo seeks to collaborate with the City and other organizations to support the efforts of LEEDCo to accomplish its purpose; 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 City of Cleveland supports the Initial Project and approves LEEDCo's application for a Lake Erie Wind Powered Electric Generation Facility Option to Lease filed with the Ohio Department of Natural Resources on or about September 14, 2010.

Section 2. That the Mayor may appoint a City official in their official capacity, or a private citizen, to LEEDCo's Board of Directors, and instructs them to represent the City and the City's interests. The term of the appointment shall be in accordance with the Board's governing regulations.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to Richard T. Steubi, Treasurer and Secretary of LEEDCo, Lake Erie Energy Development Corporation, 1938 Euclid Avenue, Suite 200, Cleveland, Ohio 44115.

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

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

Ord. No. 17-11.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for environmental assistance for proposed redevelopment of the Key Gas Components Facility at 1966 East 66th Street; authorizing the Director to enter into one or more contracts with Sixty-Six, LLC, or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional 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 oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

Whereas, the redevelopment of the Key Gas Components Facility at 1966 East 66th Street is a high-priority project for the City of Cleveland; and

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development for environmental assistance for proposed redevelopment of the Key Gas Components Facility at 1966 East 66th Street, to be used to implement the project as described in the executive summary below; 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 and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant, File No. 17-11-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 enter into one or more contracts with Sixty-Six, LLC, or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site.

Section 4. 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 who employ an Ohio VAP-Certified professional 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 oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

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.

Section 5. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

Section 6. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 18-11.

By Council Member Miller.

An ordinance to change the Use District of land located on the south side of Saint Clair Avenue between Eddy Road and E. 123rd Street from Shopping Center to Local Retail and Institutional Research. (Map Change No. 2343; Sheet No. 8).

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

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

Beginning in the centerline of Saint Clair Avenue at its intersection with the centerline of Eddy Road;

Thence easterly along said centerline of Saint Clair Avenue to its intersection with the northerly prolongation of the easterly line of Sublot Number 1 in the Speedway Park Subdivision shown on the recorded plat in Volume 40, Page 12 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 110-04-008;

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

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

Thence northerly along said centerline of Eddy Road to its intersection with the centerline of Saint Clair Avenue and the principal place of beginning;

and as indicated on the attached map is changed to Local Retail Business.

Section 2. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Eddy Road at its intersection with the westerly prolongation of the southerly line of Sublot 1 in the Speedway Park Subdivision as shown on the recorded plat in Volume 40, Page 12 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 110-04-008;

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

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

Thence easterly along said centerline of Saint Clair Avenue to its intersection with the centerline of East 123rd Street;

Thence southerly along said centerline of East 123rd Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 99 in the aforementioned Speedway Park Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 110-04-080;

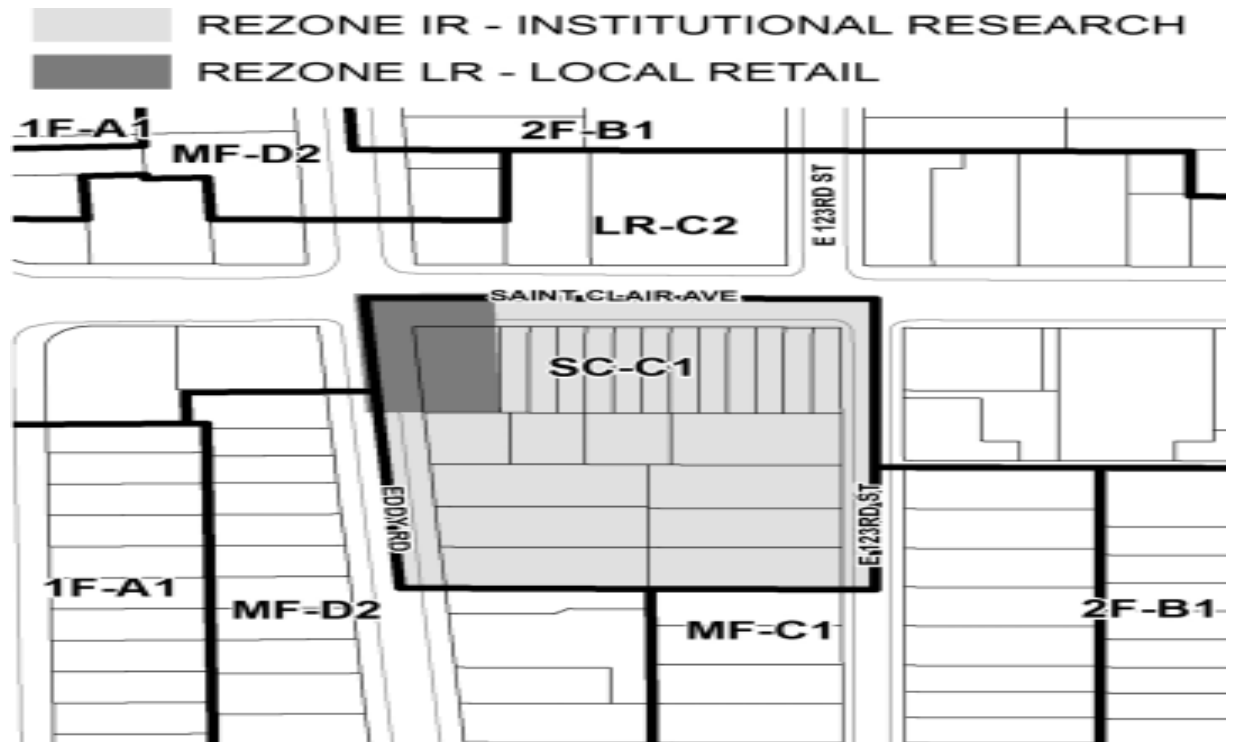
Thence westerly along said easterly prolongation of said southerly line and along its westerly prolongation to its intersection with the centerline of Eddy Road;

Thence northerly along said centerline of Eddy Road to its intersection with the westerly prolongation of the southerly line of Sublot 1 in the Speedway Park Subdivision said intersection also being the principal place of beginning;

and as indicated on the attached map is changed to Institutional Research.

Section 3. That the changed designation of lands described in Section 1 and Section 2 shall be identified as Map Change No. 2343, Sheet No. 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

**FIRST READING EMERGENCY
RESOLUTION REFERRED**

**Res. No. 19-11.
By Council Members Reed, Pruitt,
Polensek, Mitchell and Miller.**

An emergency resolution urging the General Assembly of the State of Ohio to examine and possibly increase the enhanced mandatory prison terms for offenders who commit crimes with a firearm under Ohio Revised Code Section 2929.14 (D)(1)(a).

Whereas, in 2005, 11,346 persons were killed by firearm violence and 477,040 persons were victims of a crime committed with a firearm, according to the National Institute of Justice; and

Whereas, in 2006, firearms were used in 68 percent of murders, 42 percent of robbery offenses and 22 percent of aggravated assaults nationwide; and

Whereas, Ohio Revised Code Section 2929.14 (D)(1)(a) mandates enhanced prison term sentences imposed by courts, ranging from one year to six years, to offenders who commit crimes with a firearm or while in possession of a firearm; and

Whereas, increasing these enhanced mandatory prison terms would have a deterrent effect on crimes committed with a firearm; and

Whereas, this Council believes that increasing the enhanced mandatory prison terms for crimes committed with a firearm is necessary for the health and safety of Ohio citizens; 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 General Assembly of the State of Ohio to examine and possibly increase the enhanced mandatory prison terms for offenders who commit crimes with a firearm under Ohio Revised Code Section 2929.14 (D)(1)(a).

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the General Assembly of the State of Ohio, the Speaker of the Ohio House of Representatives, the Ohio Senate President, the Ohio Legislative Black Caucus, Governor Elect Kasich, and Mayor Jackson.

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

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

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

**Ord. No. 2-11.
By Council Members Pruitt and
Sweeney (by departmental request).**

An emergency ordinance approving the collective bargaining agreement with the Fraternal Order of Police (FOP), Lodge 8.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code and subject to an arbitration award, this Council approves the collective bargaining agreement with the Fraternal Order of Police (FOP), Lodge 8, under the terms contained in File No. 2-11-10 for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That 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. 3-11.
By Council Members Pruitt and
Sweeney (by departmental request).**

An emergency ordinance approving the collective bargaining agreement with the Cleveland Police Patrolmen's Association (Non-Civilian).

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Police Patrolmen's Association (Non-Civilian), under the terms contained in File No. 3-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That 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. 4-11.
By Council Members Cleveland,
Brancatelli and Sweeney (by departmental request).**

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1507-10, passed November 29, 2010; to supplement the ordinance by adding new Sections 3, 4, and 5; and to renumber existing Section 3 to new Section 6 relating to the Urban Agriculture Incubator Pilot Project.

Whereas, the City of Cleveland has proposed a partnership with the State of Ohio Department of Agriculture to provide site preparation and start up funds in the amount of \$100,000 for market gardens in the Kinsman area of the City of Cleveland; and

Whereas, the Department of Agriculture requires a matching contribution in order to approve the grant; and

Whereas, Ordinance No. 1507-10, passed November 29, 2010, authorized the Director of Economic Development to use up to \$100,000 in UDAG Repayments funds to enter into one or more contracts for the Urban Agriculture Pilot Project, a vacant property alternative use pilot program with activities that include development of market gardens, and other eligible uses; and

Whereas, the Director of Economic Development desires to grant the funds to The Ohio State University ("OSU") and/or Burten, Bell, Carr Development, Inc. ("BBC") to carry out agriculture developments as part of the Urban Agriculture Incubator Pilot Program and that both entities are bound by procurement guidelines while carrying out those activities; and

Whereas, based on their unique qualifications, OSU and/or BBC will be working with separate entities and individuals by providing oversight, technical assistance, and procurement services and that their involvement in the pilot program will result in City market gardens, and improvement and maintenance to City land-bank property; and

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 1507-10, passed November 29, 2010, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Economic Development to apply for and accept a grant from the State of Ohio Department of Agriculture for the

Urban Agriculture Incubator Pilot Program located in the Kinsman area of the City of Cleveland, and to enter into grant agreements with The Ohio State University and Burten, Bell, Carr Development, Inc. to provide financial assistance for the purchase of equipment, materials and supplies and installation of various improvements to City-owned eligible properties under the Urban Agriculture Incubator Pilot Program, including fences, sheds, trees, shrubs, and other vegetation, and for all other purposes necessary to implement the pilot program for a period of three years.

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount up to \$100,000, from the State of Ohio Department of Agriculture to conduct the Urban Agriculture Incubator Pilot Program, as described in File No. 1507-10-B, to be located in the Kinsman area of the City of Cleveland, for a period of three years; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file.

Section 2. That the Director of Economic Development is authorized to enter into one or more agreements with the State of Ohio Department of Agriculture, or their designee, to participate in and implement an Urban Agriculture Incubator Pilot Project, as described in the above mentioned file, to be located in the Kinsman area of the City of Cleveland, and to enter into one or more agreements with The Ohio State University Extension, or their designee, and Burten, Bell, Carr Development Inc., or their designee, to provide financial assistance to OSU and BBC to purchase equipment, materials and supplies and install various improvements to City-owned eligible properties under the pilot program, including fences, sheds, trees, shrubs, and other vegetation, and for all other purposes necessary to carry out the pilot program for a period of three years.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1507-10, passed November 29, 2010, are repealed.

Section 3. That Ordinance No. 1507-10, passed November 29, 2010, is supplemented by adding new Sections 3, 4, and 5 to read as follows:

Section 3. That the Director of Economic Development, 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 complete the transactions authorized by this ordinance.

Section 4. That the grant agreements, contracts, and other appropriate documents needed to complete the transactions authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the costs of any contracts authorized under this ordinance shall be paid from the fund or funds to which are accredited the grant proceeds accepted under this ordinance and from a cash match amount not to exceed \$100,000 from Fund No. 17 SF 652, RQS 9501, RL 2010-197.

Section 4. That Section 3 of Ordinance No. 1507-10, passed November 29, 2010, is renumbered to new Section 6.

Section 5. That this ordinance is declared to be an emergency measure

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

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

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

Ord. No. 5-11.
By Council Members Pruitt, Brancatelli and Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1462-10, passed November 22, 2010, relating to authorizing the Director of Economic Development to enter into an amendment to Contract No. 53903 with LH Development LLC to change the date principal and interest payments will be deferred to November 30, 2011.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1462-10, passed November 22, 2010, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 53903 with LH Development LLC to change the date principal and interest payments will be deferred to November 30, 2011.

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 53903 with LH Development LLC to defer all principal and interest payments under that agreement, as amended, until November 30, 2011. During this deferral of principal and interest payments, interest shall accrue on the unpaid principal at the rate of 2% per annum.

Section 2. That the existing title and Section 1 of Ordinance No. 1462-10, passed November 22, 2010, are repealed.

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

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

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

Ord. No. 20-11.
By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Mt. Pleasant NOW Development Corporation for the Holiday Food Distribution Program through the use of Ward 2 Neighborhood Capital Funds

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement effective December 1, 2010 with the Mt. Pleasant NOW Development Corporation for the Holiday Food Distribution Program for the public purpose of distributing food certificates and food gift cards to low income and senior citizens resident in the city of Cleveland through the use of Ward 2 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,500 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 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. 21-11.

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

An emergency resolution urging the Ohio General Assembly to renew the 25% Ohio Historic Preservation Tax Credit.

Whereas, 111 applications for the Ohio Historic Preservation Tax Credit have generated a projected \$1.2 billion in private investment; and

Whereas, historic rehabilitation projects are more labor intensive than new construction projects, and incentives for rehabilitation projects should be promoted to create more jobs; and

Whereas, Ohio has a significant untapped resource of 3,700 National Register-listed properties — 3rd most nationally; and

Whereas, the Ohio Historic Preservation Tax Credit stimulates the opportunity to take advantage of more federal tax incentives; and

Whereas, the greenest building is the one that has already been built; and

Whereas, there are 31 states that have programs offering historic tax credits; and

Whereas, the Ohio Historic Preservation Tax Credit has had a positive impact in large and small communities throughout every region of the State, with projects having been approved in 27 large and small communities in 26 counties; and

Whereas, the reuse of historic buildings makes Ohio competitive in the global market as we create vibrant, hip communities that will

attract and retain our youth and bright, creative entrepreneurs of all ages; and

Whereas, the Ohio Historic Preservation Tax Credit assisted 37 projects in the City of Cleveland that will receive over \$104 million in tax credits that has leveraged close to \$500 million in private investment including the Capital Theater, Union Gospel Press Building, and St. Luke's Hospital; and

Whereas, 23 projects of these projects will occur in Downtown Cleveland that will receive \$62 million in tax credits that will leverage over \$255 million in investment in addition to the Medical Mart, Convention Center and Casino, including the William Taylor and Sons Department Store - now the Residences at 668 Euclid, East Ohio Gas Company Building - the future new headquarters to Calfee, Halter & Griswold, and the Schofield Building - under construction as a hotel and residence; 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 Ohio General Assembly to renew the 25% Ohio Historic Preservation Tax Credit.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Ohio General Assembly, Governor Kasich, Heritage Ohio, Historic Gateway Neighborhood Corporation, 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;

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. 22-11.

By Council Member Brady.

An emergency resolution objecting to a New C1 Liquor Permit at 12722 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Mohsen Fanous, DBA Nick Beverage and More, 12722 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 26367590005; 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 offi-

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Mohsen Fanous, DBA Nick Beverage and More, 12722 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 26367590005; 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. 23-11.

By Council Member Brancatelli.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 7020 Harvard 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 Eden Oil, Inc., DBA Harvard Gas USA, 7020 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 2434505 to Harvard Gas, LLC, DBA Harvard Gas USA, 7020 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 3648441; 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, 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 Eden Oil, Inc., DBA Harvard Gas USA, 7020 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 2434505 to Harvard Gas, LLC, DBA Harvard Gas USA, 7020 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 3648441; 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 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. 24-11.

By Council Member J. Johnson.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 3400 St. Clair 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 Hong Kong Trading Center, Inc., DBA Baby Grand Restaurant & Lounge, 3400 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 3958802 to Hayes Development Group, LLC, DBA The Stage, 3400 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 36937060005; 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 con-

trary 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 Hong Kong Trading Center, Inc., DBA Baby Grand Restaurant & Lounge, 3400 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 3958802 to Hayes Development Group, LLC, DBA The Stage, 3400 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 36937060005; 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. 25-11.

By Council Member K. Johnson.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 12301-03 Imperial Avenue, and repealing Resolution No. 1066-10, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 12301-03

Imperial Avenue by Resolution No. 1066-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to Sophie T., Inc., DBA Imperial Deli & Beverage, 12301-03 Imperial Avenue, Cleveland, Ohio 44120, Permanent Number 9120790 be and the same is hereby withdrawn and Resolution No. 1066-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 26-11.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A, and D6 Liquor Permit at 4450-52 Broadview Road and repealing Resolution No. 962-10, objecting to said renewal

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 4450-52 Broadview Road by Resolution No. 962-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to No Clue, Inc., and patio, 4450-52 Broadview Road, Cleveland, Ohio 44109, Permanent Number 6430477 be and the same is hereby withdrawn and Resolution No. 962-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 27-11.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3443 East 116th Street, and repealing Resolution No. 1095-10, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3643 East 116th Street by Resolution No. 1095-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Rana Guraan, Inc., DBA Nadia's, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 be and the same is hereby withdrawn and Resolution No. 1095-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 28-11.

By Council Member Zone.

An emergency resolution objecting to the transfer of stock of a D11, D2, D3, and D3A Liquor Permit to 2240 Fulton Road, 1st floor, basement and patio.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a D1, D2, D3 and D3A Liquor Permit at Tombstone Tavern, Inc., 2240 Fulton Road, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 8981727; 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 con-

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a D1, D2, D3 and D3A Liquor Permit at Tombstone Tavern, Inc., 2240 Fulton Road, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 8981727, 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. 29-11.

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

An emergency resolution opposing any possible cuts in the FY 2012 federal budget to Community Development Block Grant funding and strongly urging the Obama Administration in the FY2012 budget to freeze CDBG formula funding at the FY 2010 level of \$3.9 billion.

Whereas, in recent discussions about the federal budget for 2012, it has been stated by the Obama administration that all federal programs are on the table for possible cuts; and

Whereas, Community Development Block Grant (CDBG) funding could be facing a funding reduction of up to 25 % or \$1 billion dollars in the President's Budget; and

Whereas, this, or any reduction, in CDBG funding would severely slow down or eliminate thousands of local and state projects and programs that are directly contributing to local and regional recovery; and

Whereas, without CDBG funds, the City would not be able to assist Cleveland's community development corporations and similar organizations to encourage economic development, business creation and expansion, housing projects, community and neighborhood revitalization and community services programs; and

Whereas, CDBG funds enable the City of Cleveland to deliver essential services including: Community Housing Solutions (the furnace repair program, the home repair loan program, tool loan program, credit counseling and foreclosure prevention counseling); and

Whereas, CDBG funds enable the City to assist non-profit organizations providing social service programs including AIDS prevention services, at-risk youth services, elderly services, family services and local homeless shelter and homeless prevention services; and

Whereas, CDBG funds provide community development corporations in Cleveland with funding for new market-rate and affordable housing construction and acquisition for redevelopment of single family vacant substandard housing; and

Whereas, CDBG funds are critical in helping deal with the foreclosure crisis impacting our community, from blight elimination to foreclosure counseling, and in helping manage the negative impact this crisis has on our neighborhoods; and

Whereas, in the City, CDBG funds were essential in these development projects: Cogswell Hall (a 41-unit rehab for low income adults completed to green building standards); Detroit Avenue Streetscape in the Gordon Square District; Morgana East Infrastructure (site improvements and project support for 90 units of new construction market-rate housing); and the Flats East Bank project (a large scale mixed-use project of hotel, office and retail commercial space, housing and public use and green space); and

Whereas, in the City of Cleveland, CDBG funds have been instrumental in helping the Ohio City area open over a dozen new businesses in the last two years - with more than \$40 million dollars in new investment and hundreds of new jobs created in the neighborhood; and

Whereas, CDBG funds were essential in creating Ohio City Farm, a six-acre farm developed through a partnership between the local development corporation, the local housing authority, the Great Lakes Brewing Company and local nonprofits focused on workforce development for resettled refugees - this farm has garnered national attention on thoughtful development and sustainability; 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 opposes any possible cuts in the FY 2012 federal budget to Community Development Block Grant funding and strongly urges the Obama Administration in the FY2012 budget to freeze CDBG formula funding at the FY 2010 level of \$3.9 billion.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to President Barack Obama, Jack Lew, the Director of the

Office of Management and Budget, Valerie Jarrett, White House Director of Intergovernmental Affairs and Public Engagement, Senators Sherrod Brown and Rob Portman, Representatives Marcia Fudge and Dennis Kucinich, the executive directors of the National League of Cities, the U.S. Conference of Mayors, and the National Association of Counties,

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

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

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

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 1626-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of cellular devices, monthly cellular services, wireless connectivity and equipment, including wireless cards, installation of customer premise equipment, paging equipment, including maintenance, training and monthly maintenance services, for the Division of Information Technology and Services, Department of Finance, for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority.

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

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

MOTION

By Council Member Keane, seconded by Council Member Polensek and unanimously carried that the absence of Council Member Kenneth L. Johnson be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, January 24, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 5, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 5, 2011, at 10:31 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Others: James Hardy, Commissioner, Purchases and Supplies.

D. Anthony, Acting Director, Office of Equal Opportunity.

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

Resolution No. 1-11.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Great Lakes Construction Co. for the public improvement of the Crown Chemical Systems Upgrade and Miscellaneous Improvements Project No. 599, including a \$982,600.00 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on October 22, 2010, under the authority of Ordinance No. 270-08, passed May 5, 2008, upon a gross price for the improvement in the aggregate amount of \$10,808,600.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by The Great Lakes Construction Co. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
R-CAP, LLC (CSB/MBE/FBE)	\$ 41,140.00 0.381%
PowerMike & Company (CSB/MBE)	\$185,000.00 1.712%
Granger Trucking, Inc. (CSB/MBE)	\$ 20,460.00 0.189%
Tech Ready Mix, Inc. (CSB/MBE)	\$104,830.00 0.970%

Yeas: Directors Triozzi, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Resolution No. 2-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation, for an estimated quantity of various Uniform Clothing Supplies-2011, items 1, 2, 7, 8, 9, 11, 12, 14-22, 27, 28, 35, 35A, 35B, 36, 36A, 37, 38, 41, 43-47, 49-60, 69-74, 79, 80, 83, 86-94, 96-98, 100, 100A, 101, 101A, 102-107, 111, 111A, 111B, 111C, 111D, 111E, 112, 115-118, 126, 127, 127A, 128, 129, 130, 132-139, 153-157, 163, 167, 167A, 168, 174, 175 and 180-185, for the Division

of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 19, 2010, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,066,600.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby 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 an amount not less than \$53,330.00.

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, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Resolution No. 3-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Standard Law Enforcement Supply Company, for an estimated quantity of various Uniform Clothing Supplies-2011, items 29, 39, 39A, 40, 42, 108, 131 and 169, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 19, 2010, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$40,300.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby 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 an amount not less than \$2,015.00.

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, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Resolution No. 4-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of B.P. Britches Inc, dba Christopher's for an estimated quantity of various Uniform Clothing Supplies-2011, items 4, 10, 13, 23, 30, 75-78, 81, 82, 84A, 84C, 99, 99A, 166, 176-178 and 179 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 19, 2010, under the authority of Section No. 135.06 of the Codified Ordinances of

Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$147,800.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby 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 an amount not less than \$7,390.00

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, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Resolution No. 5-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Cleveland Uniform Inc. for an estimated quantity of various Uniform Clothing Supplies-2011, items 3, 24, 24A, 24B, 48, 61-66, 84, 84B, 85, 114, 119, 119A, 151, 152, 152A, 152B, 164, 165 and 170, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 19, 2010, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$171,493.25 is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby 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 an amount not less than \$8,574.66

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, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Resolution No. 6-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Allstate Industrial, Inc. for an estimated quantity of various Uniform Clothing Supplies-2011, items 95, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 19, 2010, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$5,350.00 is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby 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 an amount not less than \$267.50

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, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Resolution No. 7-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Atwell's Police and Fire Equipment Company, for an estimated quantity of various Uniform Clothing Supplies-2011, items 5, 6, 25, 25A, 25B, 26, 26A, 31-34, 67B, 67C, 68, 68A, 68B, 68C, 120, 120A, 120B, 120C, 120D, 120E, 121-124, 124A, 125, 144, 144A, 145, 145A, 146-147, 158-162, 171-172 and 173, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 19, 2010, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$445,820.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby 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 an amount not less than \$22,219.00.

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, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

Resolution No. 8-11.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Nerone & Sons, Inc. (CSB), for the public improvement of Cleveland Memorial Gardens — Phases 2B and 2C, for Base Bid Items 1-46 and Alternate Bid Items 1-3 including the 3% contingency for the Department of Public Works, received on December 3, 2010, under the authority of Ordinance No. 598-09, passed on June 8, 2009, upon a unit basis for the improvement in the aggregate amount of \$1,849,020.72, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works 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

Nerone & Sons, Inc. (CSB) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Northeast Contracting (CSB)	\$230,000.00 12.439%
Tech Ready Mix (CSB)	\$ 40,000.00 2.163%
Chagrin Valley Engineering (CSB)	\$ 15,000.00 0.811%

Yeas: Directors Triozzi, Withers, Smith, Cox, Flask, Rush, Marion, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas and Carroll.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 24, 2011

9:30 A.M.

Calendar No. 10-251: 2606 Martin Luther King Drive (Ward 6)

Church of God in Christ, Inc. and James Bannerman appeal to construct an addition to a legal non-conforming church on a 50' x 105' parcel in a General Retail Business District; subject to Section 359.01, except as provided in Section 347.06 and Chapter 351, use of building or land lawfully existing on the effective date of the Zoning Code, or any amendment or supplement thereto for which a permit has been lawfully issued may be continued even

though such use does not conform to the zoning district where it is located; but no expansion, substitution or other change in such nonconforming use to other than a conforming use is permitted, except as a variance under the terms of Chapter 329 and by special permit issued only if the Board of Zoning Appeals finds, after public hearing, that such expansion or substitution or other change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or in any other characteristic of the new use as compared with the previous use; and by reference to Section 337.02(e)(1) churches and other places of worship, if located within 15 feet of a residential district, require the Board of Zoning Appeals approval, in accordance with the Cleveland Codified Ordinances.

Calendar No. 10-252: 2014 West 53rd Street (Ward 15)

West 53rd Street, LLC, owner, and Nadia Hutchins appeal to change use of a 2,979 square foot machine shop to a photography studio and gallery on the first floor and one dwelling unit on the second floor in an existing two-story building on an irregular shaped corner parcel in Local Retail and General Retail Business Districts; contrary to Section 357.01(c) no rear yard exists and 20 feet is required for a residential building in a retail district, pursuant to Section 357.08(b)(2); and the provisions in Section 349.05 require all parking spaces to be located behind a specific setback line of 5 feet and not within 10 feet of a residential building wall that contains ground floor opening for light and ventilation, and Section 349.07(b) requires parking spaces to have wheel or bumper guards and pavement marking; and a landscaped strip 6 feet wide is required to screen the parking lot from the street and a landscaped transition strip 10 feet wide is required to separate the use from the residential district to the south of the premises.

Calendar No. 10-253: 690 East 156th Street (Ward 11)

The Diocese of Cleveland, St. Mary's Church and Father John Kumse appeal to install approximately 154 linear feet of 6 foot high ornamental steel fence on an irregular shaped corner parcel in a Local Retail Business District; and fences in the actual side street yard in a non-residential district shall not exceed 4 feet in height, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 10-254: 695 East 155th Street (Ward 11)

The Diocese of Cleveland, St. Mary's Church and Father John Kumse appeal to install approximately 218 linear feet of 6 foot high ornamental steel fence on an irregular shaped parcel in a Local Retail Business District; and fences in the actual front and actual side street yards in a non-residential district shall be ornamental and shall not exceed 4 feet in height, according to Section 358.04(a) of the Cleveland Codified Ordinances.

Calendar No. 10-256: 2137-39 West 6th Street (Ward 3)

Oscar F. Villarreal Trust, owner, and Joe Chura, prospective purchaser, appeal to erect a three-story frame dwelling on a 25' x 100' parcel in a Multi-Family District; contrary to Section 355.04 a maximum gross floor area of 2,908 square feet is provided where 4,800 square feet and a width of 40 feet is required; no rear yard depth is provided contrary to Section 357.08 and the aggregate width of interior side yards equals 8 feet and 10 feet is required in accordance with Section 357.09 of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 10, 2011

At the meeting of the Board of Zoning Appeals on Monday, January 10, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-221: 2021 Cornell Road University Circle East LLC and Snavelly Building Company appealed to construct an 8-story hotel in a K5 General Retail Business District; subject to condition.

Calendar No. 10-225: 11340 Mayfield Road University Circle East LLC appeals to reduce a parking area for existing retail/residential use below the Code requirements for construction of a new hotel in a General Retail Business District.

The following appeal was **Withdrawn:**

Calendar No. 10-228: 4395 Rocky River Drive

The Diocese of Cleveland and Blessed Trinity Parish in care of Father Doug Koesel appealed to change use of a community center to a retail "thrift" store in an A1 One-Family District.

The following appeals were **Dismissed:**

None.

The following appeals were **Postponed:**

Calendar No. 10-194: 4300 Bradley Road postponed to March 7, 2011.

Calendar No. 10-259: 4300 Bradley Road postponed to March 7, 2011.

Calendar No. 10-260: 4300 Bradley Road postponed to March 7, 2011.

The following appeal heard by the Board on January 3, 2011 was adopted and approved on January 10, 2011.

The following appeal was **Denied:**

Calendar No. 10-236: 17000 St. Clair Avenue

Aljon LLC appealed from a decision of the Cleveland Department of Building and Housing to refuse authorization for a permit to allow processing of mulch in a General Industry District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
January 5, 2011

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

* * *

Docket A-192-10.

RE: Appeal of Mars Urban Solutions, LLC, Owner of Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 11811 Saywell Avenue from a 7 DAY CONDEMNATION ORDER—MAIN STRUCTURE, dated November 26, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and the Appellant is granted thirty (30) days in which to obtain permits and abate the violations on the exterior, such as the railings on the porches and the lattice work in the under porch area; and to grant the Appellant six (6) months in which to complete abatement of the other violations on the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan.

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

* * *

Docket A-207-10.

RE: Appeal of Kevin E. Foster, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 2248 East 74th Street from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE, dated April 30, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to shore the property structurally and three (3) months in which to abate all violations on the property. 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. Saunders.

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

* * *

Docket A-213-10.

RE: Appeal of Joan Katz, Owner of the Property located on the premises known as 930 East 70th

Street from a NOTICE OF VIOLATION—FIRE CODE, dated April 6, 2010 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).

BE IT RESOLVED, a motion is in order at this time to find that the Building does require a sprinkler system and cannot be abandoned, and that an alternative plan should be presented to the Division of Fire within sixty (60) days and that the solution implemented with six (6) months. The property is REMANDED at this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-214-10.

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

Docket A-214-10 have been POSTPONED; to be rescheduled for January 19, 2011.

* * *

Docket A-216-10.

RE: Appeal of Janice A. Eatman Williams, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Masonry Walls/Wood Floors Property located on the premises known as 1503 East 107th Street from a CONDEMNATION ORDER—MS, dated July 8, 2008, and from a 30 DAY DETERIORATED CONDEMNATION ORDER—GARAGE, dated July 28, 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 grant the Appellant six (6) months in which to make progress up to approximately 30 percent of abatement of the violations and up to a maximum of two (2) years to complete abatement of all violations, with occupancy granted at the discretion of the inspector at a period of time in which the sanitary and safety facilities are adequate; all permits are to be obtained within thirty (30) days and can remain valid during that whole period of time, if progress is satisfactory. 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, Bradley, Sullivan. Nays: None. Absent: Messrs. Gallagher, Saab.

Docket A-218-10.

RE: Appeal of Dario Tompkins, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 10818 Orville Avenue from a 30 DAY CONDEMNATION ORDER—MS, dated May 16, 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 grant the Appellant thirty (30) days in which to attempt to resolve issues, and with no activity within thirty (30) days from enactment of this resolution, the property will be REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-221-10.

RE: Appeal of RBS Citizens, NA, Mortgagee of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property and One Story Garage located on the premises known as 7102 Wakefield Avenue from a CONDEMNATION ORDER—MAIN STRUCTURE & GARAGE, dated May 5, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, and that the appeal for additional time is DENIED citing inaction on the part of the Appellant and no attendance and lack of action by the Appellant. 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, Bradley, Sullivan. Nays: None. Absent: Messrs. Gallagher, Saab.

* * *

Docket A-226-10.

RE: Appeal of William D. Burks, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 3601 East 154th Street from a CONDEMNATION ORDER—MAIN STRUCTURE & GARAGE, 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 grant the Appellant six (6) months in which to abate the violations and to request that abatement occur as soon as the weather permits; to require that the first floor windows be boarded and permit the other windows to remain un-boarded unless breakage of the windows

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

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

* * *

Docket A-250-10.

RE: Appeal of Khalil Rasheed, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 3517 West 120th Street from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE, dated May 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-250-10 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-252-10.

RE: Appeal of Branden Powell, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Wood Frame Property located on the premises known as 3302 East 121st Street from a CONDEMNATION ORDER—MAIN STRUCTURE, dated March 24, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time, noting that the Condemnation Order was properly issued and that the property is REMANDED at this time to the Department of building and Housing for supervision and any required further action. Motion so in order. Motioned by Bradley and seconded by Mr. Sullivan.

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

* * *

Docket A-254-10.

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

Docket A-254-10 have been POSTPONED; to be rescheduled for January 19, 2011.

* * *

Docket A-258-10.

RE: Appeal of Quest Property Management & Consulting, LLC, Owner of Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 3873 West 34th Street from a 30 DAY FIRE CONDEMNATION ORDER—MS, dated

February 5, 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).

Docket A-258-10 have been POSTPONED; to be rescheduled for February 2, 2011.

* * *

Docket A-360-10.

RE: Appeal of Donald W. & Julie K. Hallum, Owner of Property located on the premises known as 4005 Bridge Avenue from an ADJUDICATION ORDER, dated August 31, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, reviewing the plans and the discussion with the Building Department, a motion is in order at this time to grant the variance and permit the cagion windows to be installed on the property line on the street side of the building. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-384-10.

RE: Appeal of Lester Leland Palocsay, Owner of One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3710 West 139th Street from a VACATE ORDER, CONDEMNATION ORDER—MS & GARAGE, dated September 3, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued; the property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan.

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

* * *

EXTENSION OF TIME:**Docket A-130-10.****Thomas Soldonia - 15508 Kipling Avenue:**

A motion is in order at this time to grant the Appellant an additional thirty (30) days in which to complete abatement of all violations, noting that the brick work may be extended because of weather, but should be completed as soon as possible; the grounds are to be cleaned within the next week. 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. Sullivan.

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

APPROVAL OF RESOLUTIONS:

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

A-194-10 — Pastor Blessing Azonwu.
 A-197-10 — CDI Information Systems, Inc.
 A-209-10 — Gary Smith.
 A-210-10 — David W. Riedthaler.
 A-211-10 — Loretta McDuffie.
 A-212-10 — Anthony Mapson.
 A-223-10 — Josephus Thomas Jr.
 A-308-10 — Ace Storage Inc.
 A-318-10 — Ivanhoe-Cleveland Assoc. Ltd.
 A-353-10 — Bill Braun.
 A-452-10 — John Gray.
 A-459-10 — The Cleveland Clinic.

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

* * *

APPROVAL OF MINUTES:

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

December 8, 2010

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

JOSEPH F. DENK
 Chairman

PUBLIC NOTICE

**Parking Occupancy Tax
 Rules and Regulations**
 Authority: § 196.13(a)
 Effective: Upon Publication

Chapter 1	Definitions
	196-1-1 Reserved.
Chapter 2	General Provisions
	196-2-1 Reserved.
Chapter 3	Taxable Transactions
	196-3-1 Parking Fee Paid by Another.
	196-3-2 Valet Services.
Chapter 4	Exemptions
	196-4-1 Exemptions.
	196-4-2 Exemption Certificates.
	196-4-3 Residential Parking.
	196-4-4 Valet Service as Patron.
Chapter 5	Collection of Tax
	196-5-1 Tax to be Separately Stated.
Chapter 6	Remittance of Tax
	196-6-1 Reserved.
Chapter 7	Records
	196-7-1 Claim Checks.
Chapter 8	Transfer and Termination
	196-8-1 Reserved.
Chapter 9	Rulings
	196-9-1 Reserved.
Chapter 10	Investigations
	196-10-1 Reserved.

**RULES AND REGULATIONS ADOPTED BY
 THE COMMISSIONER OF ASSESSMENTS
 AND LICENSES CONCERNING CHAPTER
 196 OF THE CODIFIED ORDINANCES
 (PARKING OCCUPANCY TAX)**

The following rules and regulations concerning the privilege of parking occupancy subject to tax under Chapter 196 are hereby promulgated by the Commissioner of Assessments and Licenses pursuant to section 196.13(a) authorizing the Commissioner to adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of Chapter 196 of the Codified Ordinances of Cleveland, Ohio. The rules and regulations herein shall be effective upon publication in The City Record. The rules and regulations promulgated on August 21, 1996 in Vol. 83, No. 4315 of The City Record, and any other rules and regulations concerning Chapter 196 existing prior to the effective date of the rules and regulations promulgated herein are hereby rescinded.

Chapter 1 – Definitions.

196-1-1 Reserved.

Chapter 2 – General Provisions.

196-2-1 Reserved.

Chapter 3 – Taxable Transactions.

196-3-1 Parking Fee Paid by Another.

(a) **Meaning of "Patron."** The term "patron" includes a person who pays a parking fee to an operator in exchange for the parking occupancy of another by way of validation or discount.

(b) **Collection.** The operator must collect the tax due from the person making payment in lieu of the occupant in the instance the parking fee is fully paid by the patron; or must collect the tax due from both the person making payment in lieu of the occupant and the occupant in the instance the parking fee is discounted and only partially paid by the occupant.

196-3-2 Valet Services.

(a) **Status as Operator.** CO § 196.02(p) includes valet services, as that term is defined by CO § 196.02(y), within the definition of a parking service. Valet service operators are parking service operators for purposes of the parking occupancy tax. The status of a valet service as a parking service is not avoided by separating transaction components into "service" and "parking space" or "storage" sub-charges. Separately stating these sub-charges does not overcome the primary purpose of the transaction, whereby the patron pays a fee to the valet service for the use, or the right of use, of parking space in or on a parking facility for parking, housing, or storing a motor vehicle. The fact that the valet service may engage an independent parking facility for the procurement of space does not change the valet service's status as an operator.

(b) **Parking Fee.** The amount of the parking fee includes the total amount charged to the patron in exchange for parking service. Separately stating the parking fee into sub-charges and assigning such sub-

charges descriptions meant to avoid the parking occupancy tax, including, but not limited to service fee, transportation fee, storage fee, or words of similar import, will not be respected. The parking fee includes the total consideration required to be paid by a patron to a parking service in exchange for parking occupancy. A charge shall not avoid classification as a parking fee by its designation as an ancillary charge for any other purported purpose separate from parking occupancy. See CO § 196.03(n).

(c) **Meaning of "Location" and "Place."** The terms "location" and "place" as used in § 196.02(y) mean the immediate and actual area occupied by the motor vehicle. Such terms shall not be construed to mean the parcel, postal address, or any other larger geographical division that may encompass both the location of surrender and place of occupancy.

Chapter 4 – Exemptions.

196-4-1 Reserved.

196-4-2 Reserved.

196-4-3 Reserved.

196-4-4 Valet Service Transaction Utilizing a Third Party Parking Facility.

A valet service that utilizes a third party parking facility for parking space is considered to be two distinct transactions. The primary transaction is between (1) the valet service, as operator, and (2) the party having possession of the motor vehicle, as patron. The secondary wholesale transaction is between (1) the parking facility, as operator, and (2) the valet service, as patron. Assuming all other requirements are otherwise satisfied, § 196.03(d)(1)(C) exempts the valet service from paying parking occupancy tax in its capacity as a patron to the parking facility operator in the secondary wholesale transaction. No exemption applies to the primary transaction between (1) the valet service, as operator, and (2) the party having possession of the motor vehicle, as patron.

Chapter 5 – Collection of Tax.

196-5-1 Tax to be Separately Stated.

(a) **Evidence of Tax.** Where the operator issues a receipt of payment or any other document memorializing the transaction, the tax due and collected shall be separately stated on such document.

(b) **Notice of Tax.** Where the operator does not separately state the amount of tax charged and collected, or does not issue a receipt of payment or any other document memorializing the transaction, the operator must conspicuously post signage in plain sight that contains the applicable parking fees and indicate that the parking fee includes a parking occupancy tax of eight percent (8%).

Chapter 6 – Remittance of Tax.

196-6-1 Reserved.

Chapter 7 – Records.

196-7-1 Claim Checks.

(a) **Definition.** The term "claim check" shall include, but not be lim-

ited to, parking ticket, stub, voucher, or any other proof of purchase issued by the operator to the patron at the time of transaction.

(b) **Issuance Required.** Each operator is required to issue a distinctive claim check to each patron at the time of the transaction. Claim checks shall be issued by an operator in numerical sequence, except that, where practical for the operator, a numerical sequence may mean a sequence fitting for the day, week or period involved. Where an operator conducts business at more than one location, separate claim checks shall be issued for each location.

(c) **Exceptions.**

(1) Subsection (b) of this section shall not apply where any of the following conditions apply:

A. the patron has reserved his/her space in the parking facility for a period of more than one day by means of a lease, contract or similar arrangement;

B. the parking facility operates as an un-attended honor lot; or

C. the operator demonstrates another reasonable method of ascertaining the number of patrons and the tax due, and has received approval of the Commissioner to use such method.

(2) An operator who is exempted under paragraph (1) of this subsection (c) may be required, upon audit, to submit federal, state and/or city income or net profits tax returns and schedules relating thereto. Such returns shall be kept confidential.

Chapter 8 - Transfer and Termination.

196-8-1 *Reserved.*

Chapter 9 - Rulings.

196-9-1 *Reserved.*

Chapter 10 - Investigations.

196-10-1 *Reserved.*

Dedrick C. Stephens,
Commissioner
Division of Assessments
and Licenses

January 12, 2011

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner

previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, FEBRUARY 3, 2011

File No. 1-11 - City of Cleveland Construction Contract for Superior Avenue Rehabilitation (from East 30th Street to East Corporation Limit), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1425-08 and 674-09, passed by the Council of the City of Cleveland, December 8, 2008 and June 8, 2009, respectively.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, JANUARY 20, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 3-11 - City of Cleveland Gateway East and Gateway North Parking Garage Improvements, for the Division of Research, Planning, & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 808-09, 617-10 and 306-10, passed by the Council of the City of Cleveland, June 12, 2009, May 10, 2010 and June 11, 2010, respectively.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) 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** THURSDAY, JANUARY 20, 2011 AT 2:00 P.M. THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

January 12, 2011 and January 19, 2011

WEDNESDAY, APRIL 20, 2011

File No. 2-11 - RTA Level Art Display Project, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 395-05, passed by the Council of the City of Cleveland, May 2, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** AND SITE TOUR FOR WEDNESDAY, FEBRUARY 2, 2011 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

January 12, 2011 and January 19, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

**Monday January 10, 2011
9:30 a.m.**

Public Service Committee: Present: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, Keane, Pruitt, Sweeney. *Authorized Absence:* K. Johnson, Polensek.

1:30 p.m. Mayor's Appointment Committee: Present: Dow, Chair; Miller, Sweeney. *Authorized Absence:* Cleveland, Kelley.

2:00 p.m.

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

**Wednesday, January 12, 2011
10:00 a.m.**

Public Safety Committee: CAN-CELED.

1:30 p.m.

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

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O—Ordinance; R—Resolution; F—File
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