

The City Record

Official Publication of the Council of the City of Cleveland



February the Seventeenth, Two Thousand and Ten

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 97

WEDNESDAY, FEBRUARY 17, 2010

No. 5019

CITY COUNCIL

MONDAY, FEBRUARY 15, 2010

The City Record

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

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

Ord. No. 1784-09.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Leases By Way of Concession for the use of certain City-owned property known as Ninth Street Lots Nos. 9 and 10 for the use, privilege, permit, and license to operate special event parking and to collect fees in connection with special event parking.

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 Section 183.03 or any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter one or more Leases By Way of Concession on the basis of competitive proposals for the use, privilege, permit, and license to operate special event parking and to collect fees in connection with special event parking at certain City-owned property known as Ninth Street Lots Nos. 9 and 10. The Leases by Way of Concession shall be with the highest and best bidder as

determined and approved by the Board of Control after competitive bidding and advertising as provided by Section 108 of the Charter of the City of Cleveland. The Leases By Way of Concession shall not exceed a term of one year, unless a Master Parking Plan is implemented before the one-year term has expired. If a Master Parking Plan is implemented, the leases that are the subject of this ordinance shall be a part of that Master Parking Plan along with all other eligible agreements and properties.

Section 2. That the Lease or Leases by Way of Concession shall include provisions stating that the Lessee or Lessees shall pay the City one hundred percent of the parking revenues in excess of Three Hundred Seventy Dollars (\$370.00) per special event, plus any applicable sales and parking tax due any taxing authorities in connection with such parking revenues. The Lease or Leases by Way of Concession shall not be construed as the conveyance of any right, title or interest in public property but merely as the granting of the privilege to use the property for the purposes described in the Lease or Leases by Way of Concession.

Section 3. That the Lease or Leases By Way of Concession shall be prepared by the Director of Law.

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

Ord. No. 1785-09.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with the United States of America, acting by and through the U.S. Coast Guard for the lease of certain City-owned property known as Ninth Street Lot Nos. 9 and 10 to be used for government purposes, including parking, for the Department of Port Control, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

BOARD OF CONTROL

February 17, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 17, 2010 at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Flask, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson and Acting Director West.

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

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

Resolution No. 41-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Terrace Construction Company, Inc. under Contract No. 69295 for labor and materials necessary to repair or replace water mains, fire hydrants, valves, service connections and appurtenances-Area D, for the Division of Water, Department of Public Utilities, is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Corlett Trenching and Plumbing (CSB/MBE)	\$241,555.53 7.900%

Yeas: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Flask, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 42-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 649-09, passed by the Council of the City of Cleveland on June 8, 2009, and Board of Control Resolution No. 581-09, adopted December 30, 2009, the Director of Public Utilities, was authorized to enter into contract with Shook, Inc. Northern Division for the public improvement of the Morgan Chemical Facility Project No. 119 in the amount of \$17,521,405.00, for the Division of Water, Department of Public Utilities; and

Whereas, by its December 2, 2009 letter, Shook, Inc. Northern Division notified the City of its intentions of using the subcontractors and/or suppliers listed for the work described on the respective Schedule 3 and by its OEO Schedule indicated an increased sub-contractor amount to Price Builders & Developers, Inc. LLC; and

Whereas, the Director of the Office of Equal Opportunity has approved the additional subcontractors and sub-contractors amounts; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 581-09, adopted December 30, 2009, under authority of Ordinance No. 649-09, passed by the Council of the City of Cleveland on June 8, 2009, approving Shook, Inc. Northern Division for the public improvement of the Morgan Chemical Facility Project No. 119, for the Division of Water, Department of Public Utilities is amended by deleting Price Builders (CSB/MBE) \$160,000.00 (0.913%) and

substituting Price Builders & Developers, Inc. LLC (CSB/MBE) \$160,451.00 (0.916%).

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Shook, Inc. Northern Division for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
R.L. Cole Enterprises, Inc. (CSB/MBE/FBE)	\$240,000.00 1.370%
Mctech Corp. dba Tech Ready Mix (CSB/MBE)	\$90,000.00 0.514%
Comm Steel, Inc. (CSB/MBE)	\$270,000.00 1.541%
Coleman Spohn Corporation (MBE)	\$359,000.00 2.049%
US Communications and Electric Inc. (CSB/FBE)	\$60,000.00 0.342%
TimeLine Photography (CSB/FBE)	\$18,000.00 0.103%
Caver Brothers, Inc. (CSB/MBE)	\$104,325.00 0.595%
Michael Benza & Associates, Inc. (CSB)	\$6,000.00 0.034%
PowerMike and Company (CSB/MBE)	\$250,000.00 1.427%
VIP Restoration, Inc. (CSB)	\$268,000.00 1.530%
Cosmos Industrial Services, Inc. (CSB/FBE)	\$1,694,340.00 9.670%

Be it further resolved that all other provisions of Resolution No. 581-09 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Flask, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 43-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1716-06, passed by the Council of the City of Cleveland on November 20, 2006, Black & Veatch Corporation is selected upon nomination of the Director of Public Utilities from a list of consulting firms determined, after a full and complete canvass by the Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of Cleveland Public Power in order to provide independent consulting services necessary to participate in a hydroelectric power project with American Municipal Power for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Black & Veatch Corporation based on its proposal dated February 5, 2010, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal with a fee not to exceed \$48,150.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultant is approved:

<u>SUB-CONSULTANT</u>	<u>WORK PERCENTAGE</u>
Ralph C. Tyler, P.E., P.S., Inc. (CSB/M)	\$4,380.00 9.10%

Yeas: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Flask, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 44-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 25, 2009 for powdered activated carbon, Options 1 and 2, item 1D, for the Division of Water, Department of Public Utilities, under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Flask, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 45-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Phoenix Partners, LLC dba Cleveland Valve & Gauge for an estimated quantity of various types of valves, actuators and appurtenances and labor and materials to maintain and repair various types of valves, actuators and appurtenances, Option 2, item 1-all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on December 3, 2009 under the authority of Ordinance No. 696-09, passed June 8, 2009, which on the basis of the estimated quantity would amount to \$208,288.00 (1%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 199198 which shall be certified against such contract in the sum of \$11,000.00.

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

Yeas: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Flask, Cox, Acting Directors Wilbur, Thornton,

Director Fumich, Interim Director Mahoney and Director Rybka.
Nays: None.

Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 46-10.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 3, 2009 for an estimated quantity of various types of valves, actuators and appurtenances and labor and materials to maintain and repair various types of valves, actuators

and appurtenances, Option 1, item 2-all items and item 3-all items and Option 2, item 2-all items, and item 3-all items, for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 696-09, passed June 8, 2009, are rejected.

Yeas: Directors Triozzi, Dumas, Smith, Wasik, Carroll, Flask, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Withers and Acting Director West.

Resolution No. 47-10.

By Director Smith.

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

Whereas, under the authority of Board of Control Resolution No. 386-08, adopted August 6, 2008, this Board consented to the assignment of City Contract No. 67743 from BAA USA, Inc. to BAA Cleveland, Inc. ("BAAC"); and

Whereas, under the authority of Board of Control Resolution No. 116-09, adopted April 8, 2009, this Board amended the concession fees payable by BAAC; and

Whereas, due to continued decline in passenger levels the City has determined that the concession fees set forth in Board of Control Resolution No. 116-09, adopted April 8, 2009, should be amended; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the concession fees set forth in Board of Control Resolution No. 116-09, adopted April 8, 2009, are amended effective January 1, 2010 as follows:

CURRENT CONCESSION FEES			AMENDED CONCESSION FEES		
Period	MAG	Percentage Fee	Period	MAG	Percentage Fee
January 1, 2010 through December 31, 2012	The greater of \$4,500,000 or 80% of the prior year's concession payment amount	70%	January 1, 2010 through June 30, 2010	The greater of \$3,750,000 or 80% of the prior year's concession payment amount	67.5%
			July 1, 2010 through December 31, 2012	The greater of \$4,500,000 or 80% of the prior year's concession payment amount	70%

Be it further resolved that all other terms of Resolution No. 116-09 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Flask and Acting Director West.

Resolution No. 48-10.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R.W. Clark Company, Inc., for the public improvement of the building improvements for the Health Facility Upgrades - Bid Package C, for the Department of Public Service, received on December 16, 2009, under the authority of Ordinance No. 487-07, passed June 4, 2007, for a gross price for the improvement in the aggregate amount of \$304,738, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R.W. Clark Company, Inc., is approved:

Subcontractor MBE/FBE	Amount Percentage
Work Best Electric FBE	\$79,500 26.088%
Insignia Graphics MBE	\$10,686 3.507%
VH Construction Company MBE	\$ 9,000 2.953%
Lakeland Glass Company	\$45,900 15.062%
D & R Flooring	\$ 7,800 2.559%

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Flask and Acting Director West.

Resolution No. 49-10.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction Company, Inc., for the public improvement for the Cleveland City Hall security improvements, base bid, and alternate, for the Department of Public Service, received on January 21, 2010, under the authority of Ordinance No. 485-07, passed June 11, 2007, for a gross price for the improvement in the aggregate amount of \$2,112,500, is affirmed and approved as the lowest responsible bidder, and the Director of Public Service 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 Envirocom Construction Company, Inc. is approved:

<u>Subcontractor</u> <u>CSB/MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Work Best Electric CSB/FBE	\$ 459,000 21.718%
McTech Corp. (dba) Tech Read CSB/MBE	10,000 .473%
LDH Painting CSB/MBE	90,000 4.260%
Pearlrock, Inc. Other	\$ 20,000 .946%
Kone Elevator Other	\$ 138,000 6.532%
21st Century Other	\$ 90,000 4.260%

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Carroll, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Flask and Acting Director West.

Resolution No. 50-10.

By Director Rush.

Whereas, under the authority of Ordinance No. 1064-09, passed September 21, 2009, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell City-owned property no longer needed for public use, described therein and known as Permanent Parcel Number 102-25-044 as described below at 2227 Payne Avenue to EDEN, Inc. or its designee; and

Whereas, Ordinance No. 1064-09 provides that the consideration for conveyance of the property shall be \$10.00 and other valuable consideration, which amount is determined to be fair market value by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1064-09, passed by the Council of the City of Cleveland on September 21, 2009, the Commissioner of Purchases and Supplies is directed to sell to EDEN, Inc., or its designee, City-owned property no longer needed for public use, known as Permanent Parcel Number 102-25-044 and more fully described as follows:

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

The consideration for the property is fixed at \$10.00 and other valuable consideration, which amount is determined to be fair market value.

Be it further resolved that the Mayor of the City of Cleveland is requested to execute and deliver the official deed of the City of Cleveland conveying the property, which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

Resolution No. 51-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 121-24-046 located at Cedar Avenue in Ward 6; and

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

Whereas, Fairfax Renaissance Development Corporation, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for parking lot; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel No. 121-24-046 located at Cedar Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$2,000.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

Resolution No. 52-10.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 115-30-058 located at Nathaniel Road in Ward 11; and

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

Whereas, Johnnie M. Minter, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 11 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Johnnie M. Minter for the sale and development of Permanent Parcel No. 115-30-058 located at Nathaniel Road, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

Resolution No. 53-10.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 130-21-019 and 130-21-101, located at East 117th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 2089-06 passed January 11, 2010, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Bethel Church of Christ (Holiness) U.S.A. has proposed to the City to purchase and develop the parcels for parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 2089-06 passed January 11, 2010, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of

the City of Cleveland with Bethel Church of Christ (Holiness) U.S.A. for the sale and development of Permanent Parcel Nos. 130-21-019 and 130-21-101, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$200.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

Resolution No. 54-10.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 121-17-028 and 121-17-136, located at Quincy Avenue and Quebec Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1424-09 passed November 9, 2009, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Board of Cuyahoga County Commissioners has proposed to the City to purchase and develop the parcels for parking; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1424-09 passed November 9, 2009, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Board of Cuyahoga County Commissioners for the sale and development of Permanent Parcel Nos. 121-17-028 and 121-17-136, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$3,500.00 each, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

Resolution No. 55-10.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 133-24-003, located at 9108 Aetna Road under the Land Reutilization Program; and

Whereas, Ordinance No. 1267-09 passed November 9, 2009, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Tyson T. Mitchell has proposed to the City to purchase and develop the parcel for parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1267-09 passed November 9, 2009, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Tyson T. Mitchell for the sale and development of Permanent Parcel No. 133-24-003, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$2,900.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

Resolution No. 56-10.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 111-17-009 and 111-17-010, located at St. Clair Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1597-09 passed December 7, 2009, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, New Covenant Christian Church has proposed to the City to purchase and develop the parcels for parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1597-09 passed December 7, 2009, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with New Covenant Christian Church for the sale and development of Permanent Parcel Nos. 111-17-009 and 111-17-010, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$200.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

Resolution No. 57-10.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 014-20-013, located at 4297 State Road under the Land Reutilization Program; and

Whereas, Ordinance No. 1788-09 passed December 7, 2009, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Christopher S. Yarina and Shane M. Yarina have proposed to the City to purchase and develop the parcel for green space; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1788-09 passed December 7, 2009, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Christopher S. Yarina and Shane M. Yarina for the sale and development of Permanent Parcel No. 014-20-013, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$2,500.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Cox, Acting Directors Wilbur, Thornton, Director Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Carroll, Flask and Acting Director West.

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.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, March 1, 2010

9:30 A.M.

Calendar No. 10-12: Appeal Notice and Order of Declaration of Nuisance 4325 West 49th Street (Ward 13)

James M. Hungerford, property owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 630.02(e) of the Cleveland Codified Ordinances from the decision of Martin L. Flask, Director of Public Safety, City of Cleveland, to issue a Notice and Order of Declaration of Nuisance on January 8, 2010 for the property at 4325 West 49th Street.

Calendar No. 10-15: 13813 Lorain Avenue (Ward 18)

Joseph Coreno, owner, and Richard Eucker, tenant dba The Closing Room, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the decision of the Public Safety Department to disapprove an application for a Music License for the premises at 13813 Lorain Avenue, as stated in the notice issued January 25, 2010 from the Cleveland Division of Assessments and Licenses.

10:30 A.M.

Calendar No. 10-4: Appeal of Khalil Abdulatt Revocation Second Hand Dealers License 9824 Miles Avenue (Ward 2)

Khalil Abdulatt appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 676.12(d) of the City of Cleveland Codified Ordinances from the decision of the Commissioner of Assessments and Licenses to revoke a Second Hand Dealers License for All Sorts Trading located at 9824 Miles Avenue.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 16, 2010

At the meeting of the Board of Zoning Appeals on Tuesday, February 16, 2010, the following appeals were heard by the Board.

The following appeal was **Approved:**

Calendar No. 09-146: 4305-09 State Road (Ward 13)

John Zajac appealed to establish a parking lot as the principal use of a vacant corner parcel in a General Retail Business District; subject to revised plan.

The following appeals were **Denied:**

None

The following appeals were **Withdrawn:**

Calendar No. 09-239: 4830 Superior Avenue (Ward 7)

Raymond Adamic, owner, and John Dunlap, prospective purchaser, and Mizo Peldich, tenant, appealed

to expand a use for a store to include an outdoor patio for food service and consumption in a Semi-Industry District.

Calendar No. 09-259: 10603 Euclid Avenue (Ward 8)

The Cleveland Clinic appealed to establish use for salt domes on a parcel in a Local Retail Business District.

Calendar No. 08-54: 3902 Lee Road (Ward 1)

John Barnes, Jr. appealed to enlarge a building with the addition of a second floor "loft" and establish use for office in a Local Retail Business District.

The following appeals were **Postponed:**

Calendar No. 09-263: 3585 West 117th Street (Ward 17) postponed to March 15, 2010.

Calendar No. 10-6: 8701 Superior Avenue (Ward 7) postponed to April 6, 2010.

Calendar No. 10-10: 1104 Rowley Avenue (Ward 3) postponed to March 22, 2010.

Calendar No. 09-237: 3751 Valley Road (Ward 3) postponed to March 22, 2010.

Calendar No. 09-244: 1678 Leonard Avenue (Ward 3) postponed to March 8, 2010.

The following appeals were **Dismissed:**

None.

The following appeals heard by the Board on February 8, 2010 were adopted and approved on February 16, 2010.

The following appeals were **Approved:**

Calendar No. 10-1: 11810 Union Avenue (Ward 6)

Humility of Mary Housing, Inc. appealed to erect a 40 unit apartment building for the elderly on a parcel located in a Two-Family District.

Calendar No. 10-8: 10404 Lorain Avenue (Ward 17)

Giachetti Brothers Investments Inc, owners, and Mike Nicholas, tenant, appealed to establish use for a vehicle repair garage in a General Retail Business District; subject to condition.

The following appeals were **Denied:**

Calendar No. 09-155: 3232 Lakeside Avenue (Ward 3)

Charles Fleck, owner, and Theodore Talliere, agent, appealed to expand occupancy from 135 to 200 and to add entertainment use to an existing restaurant/tavern in a General Industry District.

Calendar No. 08-68: 3232 Lakeside Avenue (Ward 3)

Flextron LLC, owner, and Theodore Talliere, agent, appealed to change use from a bar/restaurant to adult cabaret in a General Industry District; appeal on remand from the Court of Common Pleas, CV-08-668807.

The following appeals heard by the Board on February 1, 2010 were adopted and approved on February 16, 2010, a Motion for Rehearing filed February 8, 2010 having been denied.

The following appeals were **Denied:**

Calendar No. 09-111: 10409 Meech Avenue (PPN 136-10-040) (Ward 2)

Number One Grace Properties LLC appealed to use a parcel located in Semi-Industry and General Industry Districts for storage of vehicles pending wrecking and dismantling.

Calendar No. 09-112: 10409 Meech Avenue (PPN 136-10-041) (Ward 2)

Number One Grace Properties LLC appealed to use a parcel located in Semi-Industry and General Industry Districts for storage of vehicles pending wrecking and dismantling.

Calendar No. 09-113: 10409 Meech Avenue (PPN 136-10-042) (Ward 2)

Number One Grace Properties LLC appealed to use a parcel located in a Semi-Industry and General Industry Districts for storage of vehicles pending wrecking and dismantling.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minor

ity 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 25, 2010

File No. 35-2010 — East 14th Street Public Improvements, PID 87358; Prospect Avenue to Euclid Avenue, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance Nos. 319-09 and 1159-09, passed by the Council of the City of Cleveland, March 16, 2009 and August 5, 2009.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 10:00 A.M., CLEVELAND CITY HALL, ROOM 509, 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.

February 10, 2010 and February 17, 2010

WEDNESDAY, MARCH 3, 2010

File No. 32-2010 — City Wide Aquatic Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties as authorized by Ordinance No. 597-09 passed by the Council of the City of Cleveland, June 8, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 2:00 P.M. LOCATED AT BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

February 10, 2010 and February 17, 2010

THURSDAY, MARCH 4, 2010

File No. 30-2010 — Generator Improvements at Rockefeller Greenhouse and Urban Forestry, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties as authorized by Ordinance No. 597-09, passed by the Council of the City of Cleveland, June 8, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 3:00 P.M. THE ROCKEFELLER PARK GREENHOUSE, 750 EAST 88TH STREET, CLEVELAND, OHIO 44114.

File No. 31-2010 — Exterior Door Replacement at the Zelma Watson George Recreation Center, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties as authorized by Ordinance No. 451-08, passed by the Council of the City of Cleveland, June 8, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 2:00 P.M. LOCATED AT THE ZELMA W. GEORGE RECREATION CENTER, 3155 MARTIN LUTHER KING JR. DRIVE, CLEVELAND, OHIO 44114.

February 10, 2010 and February 17, 2010

THURSDAY, MARCH 4, 2010

File No. 34-2010 — Cuy-Kamms Corner Streetscape, Phase 3 from West Corporation line to West 165th Street, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 319-09, passed by the Council of the City of Cleveland, March 16, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 25, 2010 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 10, 2010, February 17, 2010 and February 24, 2010

THURSDAY, MARCH 11, 2010

File No. 33-2010 — Warehouse Improvements, for the Division of Water, Department of Public Utilities as authorized by Ordinance No. 252-07, passed by the Council of the City of Cleveland, June 4, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 18, 2010 AT 10:00 A.M. LOCATED AT THE PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 10, 2010 and February 17, 2010

THURSDAY, MARCH 4, 2010

File No. 40-2010 — Broadway Avenue Rehabilitation and Reconstruction From I-77 to East Corporation Limit, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 687-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MARCH 2, 2010 AT 1:30 P.M. CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 17, 2010 and February 24 2010

FRIDAY, MARCH 5, 2010

File No. 38-2010 — Land Bank Lot #92 Demolition & Environmental Remediation, For the Division of Community Development, Department of Community Development as authorized by Ordinance No. 1456-06 and Ordinance No. 1377-09, passed by the Council of the City of Cleveland, October 9, 2006 and October 12, 2009.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 25, 2010 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF

ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

February 17, 2010 and February 24 2010

THURSDAY, MARCH 11, 2010

File No. 37-2010 — Earle Avenue Sewer Replacement Project, for Division of Water Pollution Control, Department of Public Utilities as authorized by Ordinance No. 396-09, passed by the Council of the City of Cleveland, June 5, 2009.

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

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

February 17, 2010 and February 24 2010

FRIDAY, MARCH 12, 2010

File No. 36-2010 — Miscellaneous Sized Steel Parts, for the various Divisions of City Government, Department of Finance as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 5, 2010 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE, CLEVELAND, OHIO 44114.

February 17, 2010 and February 24 2010

WEDNESDAY, MARCH 17, 2010

File No. 39-2010 — Utility Poles Labor and materials to Test, Remove and Replace Deteriorating Utility Poles (Utility Pole Replacement), for the Division of Cleveland Public Power, Department of Public Utilities as authorized by Ordinance No. 541-09, passed by the Council of the City of Cleveland, June 1, 2009.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 25, 2010 AT 10:00 A.M. THE THOMAS L. JOHNSON BUILDING 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 17, 2010 and February 24 2010

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 177-10.

By Council Member Cleveland.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3337 Central Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Pamela Hubbard, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 4034257 to Eakh, LLC, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 2383633; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Pamela Hubbard, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 4034257 to Eakh, LLC, DBA McClain's Market, 3337 Central Avenue, Cleveland, Ohio 44115, Permanent Number 2383633; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted February 8, 2010.

Effective February 12, 2010.

Res. No. 178-10.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of stock of a D5 and D6 Liquor Permit at 1303 West 6th Street, 1st floor and basement, and repealing Resolution No. 1793-09, objecting to said transfer

Whereas, this Council objected to the transfer of stock of a D5 and D6 Liquor Permit to 1303 West 6th Street, 1st floor and basement by Resolution No. 1793-09 adopted by the Council on December 7, 2009; and Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Rutulian LLC & patio, 1303 West 6th Street, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 7634550 be and the same is hereby withdrawn and Resolution No. 1793-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted February 8, 2010.

Effective February 12, 2010.

Ord. No. 184-09.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Leases By Way of Concession for the design, construction, development, and management of a gas station and non-fast food, full-service restaurant, and related amenities on selected City-owned property located near Cleveland Hopkins International Airport, for a term up to twenty years with one ten-year option to renew, exercisable through additional legislative authority.

Whereas, the Department of Port Control desires to enter into one or more Leases By Way of Concession for the design, construction, development, and management of a gas station and nonfast food, full-service restaurant, and related amenities on City-owned property located near Cleveland Hopkins International Airport to provide services to both

air traveling and non-air traveling public; and

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

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

Section 1. That, notwithstanding Section 183.03 or any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter one or more Leases By Way of Concession on the basis of competitive proposals for the design, construction, development, and management of a gas station and nonfast food, full-service restaurant, and related amenities on City-owned property located near Cleveland Hopkins International Airport with the highest and best bidder as determined and approved by the Board of Control after competitive bidding and advertising as provided by Section 108 of the Charter of the City of Cleveland, the terms of which were discussed in the Aviation and Transportation Committee on April 30, 2009 and are more fully described in File No. 184-09-A. The Leases By Way of Concession shall not exceed a term up to twenty years, with one ten-year option to renew, exercisable through additional legislative authority. If the Leases By Way of Concession authorized in this ordinance are not executed by December 31, 2010, the authority of this ordinance shall expire and be of no force and effect.

Section 2. That the Lease by Way of Concession shall include provisions stating that the Lessee or Lessees shall bear the cost of the design, construction, development, and management of the gas station and nonfast food, full-service restaurant, and related amenities, including but not limited to, landscaping, walkways, automobile parking, maneuvering and drive areas, and all other improvements and facilities required and that the City shall retain any permanent improvements or alterations to the facilities after the Lessee has vacated the premises.

Section 3. That the Leases By Way of Concession shall be prepared by the Director of Law. The lease or leases shall be consistent with the terms set forth in the file. The lease or leases shall provide that if the leases premises are dormant for a period of one year or more, the lease or leases shall terminate and possession of the premises shall revert to the City.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 905-09.

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

An emergency ordinance determining the method of making the public improvement of constructing additional employee parking spaces

and related facilities at the Riveredge site at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing additional employee parking spaces and related facilities at the Riveredge site at Cleveland Hopkins International Airport, (the "Improvement"), for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the Improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as

a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

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

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

Section 7. That the cost of the contracts authorized shall be paid from Fund Nos. 60 SF 104, 60 SF 106, 60 SF 141, 60 SF 112, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 128, 60 SF 129, and 60 SF 130, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 175253.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 1410-09.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 437.02, and to repeal existing Section 437.02, as amended by Ordinance No. 91-96, passed March 18, 1996, relating to requiring lighted vehicle lights at specified times and to establish the means of measuring distances and heights.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 437.02, to read as follows:

Section 437.02 Lighted Vehicle Lights Required at Specified Times; Measurement of Distances and Heights

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway within this state shall display lighted lights and illuminating devices as required by sections 4513.04 to 4513.37 of the Revised Code during all of the following times:

(1) The time from sunset to sunrise;

(2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of one thousand feet ahead;

(3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the director of public safety under section 4511.521 of the Revised Code. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(b) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this state to stop the vehicle solely because the officer observes that a violation of division (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(c) Whoever violates this section is guilty of a minor misdemeanor. (RC 4513.03)

Section 2. That existing Section 437.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 91-96, passed March 18, 1996, is repealed.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 1440-09.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.092 relating to agreements with the State of Ohio to receive reimbursement for police training programs, for the Division of Police, Department of Public Safety.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 135.092 to read as follows:

Section 135.092 Agreements with the State of Ohio to Receive Reimbursement for Police Training Programs

(a) That the Director of Public Safety is authorized to enter into agreements with the State of Ohio to receive reimbursement for the costs of police training programs, for the Division of Police, Department of Public Safety.

(b) That the Director of Public Safety is authorized to accept reimbursements from the State of Ohio for police training costs and to deposit those funds into a revolving fund which will be used to provide additional police training for the Division of Police, and the funds are appropriated for that purpose.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 1591-09.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants necessary to design various energy efficient improvements for the Department of Parks, Recreation and Properties, Public Health, and Public Safety, and to develop an energy efficiency initiative for the Department of Parks, Recreation and Properties; determining the method of making the public improvement of constructing the improvements and implementing any accepted initiatives; and authorizing the Directors of Parks, Recreation and Properties, Public Safety, and Public Health to enter into one or more public improvement contracts to construct the improvements and accepted initiatives.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design various energy efficient improvements for the Departments of Parks, Recreation and Properties, Public Health, and Public Safety, and to develop an energy efficiency initiative for the Department of

Parks, Recreation and Properties.

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

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing various energy efficiency improvements to the West Side Market and various City recreation centers, including upgrading the lighting and constructing a composting area, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 3. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the improvement authorized in the section above with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of implementing energy efficient initiatives accepted by the City under the professional services contract or contracts authorized in Section 1 of this ordinance, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 5. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the improvement authorized in the section above with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of

constructing various energy efficiency improvements to one police station and to various fire stations, including upgrading the lighting, upgrading radiant heat retrofits in various firestation truck bays, and installing solar thermal hot water systems at various firestations, for the Department of Public Safety, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 7. That the Director of Public Safety is authorized to enter into one or more contracts for the making of the improvement authorized in the section above with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 8. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing various energy efficiency improvements to City-owned and operated portions of the Justice Center, including upgrading the lighting, for the Department of Public Safety, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 9. That the Director of Public Safety is authorized to enter into one or more contracts for the making of the improvement authorized in the section above with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 10. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing various energy efficiency improvements to the various City health centers, including upgrading the lighting, for the Department of Public Health, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 11. That the Director of Public Health is authorized to enter into one or more contracts for the making of the improvement authorized in the section above with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price.

On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 12. That the appropriate Director is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 13. That the cost breakdown for the projects authorized in this ordinance shall be placed in File 1591-09-A.

Section 14. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 20 SF 377, 20 SF 381, 20 SF 382, 20 SF 391, 20 SF 392, 20 SF 501, 20 SF 503, 20 SF 504, 20 SF 508, 20 SF 509, 20 SF 516, 20 SF 517, 20 SF 523, 20 SF 524, 20 SF 660, and from the fund or funds to which are credited any grant funds accepted under Ordinance No. 463-09, passed April 20, 2009, Request No. 194633.

Section 15. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 1714-09.
By Council Members Conwell, Dow and Sweeney (by departmental request).

An emergency ordinance to amend Section 625.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 708-74, passed June 24, 1974, relating to criminal tools.

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

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

Section 1. That Section 625.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 708-74, passed June 24, 1974, is amended to read as follows:

Section 625.08 Criminal Tools

(a) No person shall knowingly possess or have under his control any device, instrument or article listed herein, with purpose to do any unlawful act:

- (1) Bump key;
- (2) Detached ignition switch;
- (3) Jumper wire device;
- (4) Key cutter;
- (5) Slidehammer;

(6) Any other device, instrument or article commonly used, designed or specially adapted for criminal use.

(b) As used in this section:

(1) "Bump key" means a specially-cut key that is designed to defeat a pin tumbler lock using a technique in which the key is inserted into the lock and struck or bumped with a hammer or other object to cause the pins in the tumbler to separate to allow the lock to open.

(2) "Detached ignition switch" means any ignition cylinder capable of completing the electrical circuit in the ignition system of an automobile.

(3) "Jumper wire device" means any electrical connecting device designed to complete the electrical circuit in the ignition of an automobile.

(4) "Key cutter" means any key-making device capable of cutting or punching out keys.

(5) "Slidehammer" or "slaphammer" means a device with a movable weighted sleeve on a rod used to remove automobile locks.

(c) Whoever violates this section is guilty of possession of criminal tools, a misdemeanor of the first degree.

Section 2. That existing Section 625.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 708-74, passed June 24, 1974, is repealed.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 1724-09.
By Council Members Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Public Service facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Public Service facilities, including but not limited to, replacing the roof at the Charles V. Carr Center, upgrading the HVAC and repairing the concrete floor at the East 49th Street Motor Vehicle Maintenance Garage, repairing the wall and door at the Ridge Road Service facility; and replacing the fence at the Glenville Service Facility (the "Improvement"), for the Division of Architecture, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improve-

ment, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

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

Section 4. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 5. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, and 20 SF 524, Request No. 186911.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 1755-09.
By Council Members Conwell, Dow and Sweeney (by departmental request).

An emergency ordinance to repeal Section 135.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 372-53, passed March 9, 1953, relating to working hours for the Division of Police.

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

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

Section 1. That Section 135.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 372-53, passed March 9, 1953, is repealed.

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

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 90-10.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into various types of loan and grant agreements for economic development financial assistance and forgivable loan agreements under the Vacant Property Initiative both in amounts not to exceed \$250,000.

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

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

Section 1. That the Director of Economic Development is authorized to enter into various types of loans, forgivable loans, conditional loans, and grant agreements for economic development financial assistance in amounts not to exceed \$250,000.

Section 2. That the Director of Economic Development is authorized to enter into forgivable loan agreements under the Vacant Property Initiative in amounts not to exceed \$250,000.

Section 3. That any loan, forgivable loan, conditional loan, and grant agreement entered into under this ordinance shall be authorized when approved by the Cleveland Citywide Development Corporation and the Mayor, and the Council Member in whose ward the project is being given assistance shall submit a letter of support for the project. The Director of Economic Development shall notify the Council Member in whose ward the project will occur before it has been approved by the Cleveland Citywide Development Corporation.

Section 4. That the loan, forgivable loan, conditional loan, and grant agreements shall be paid from Fund Nos. 17 SF 008 (UDAG Repayments), 10 SF 501 (NDIF Repayments), 17 SF 003 (SBRL), and 12 SF 954 (EDA).

Section 5. That repayments of loans shall be deposited in Fund Nos. 17 SF 006, 10 SF 502, 17 SF 005, and 12 SF 958, and are appropriated for the purposes of the respective program.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 128-10.
By Council Member Brady.
An emergency ordinance designating McKinley Elementary School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate McKinley Elementary School as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of McKinley Elementary School as a landmark; and

Whereas, the Commission has recommended designation of McKinley Elementary School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That McKinley Elementary School, whose street address in the City of Cleveland is 3349 West 125th Street, Cuyahoga County Auditor's Permanent Parcel Number is 021-24-075, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot Numbers 193 through 207 both inclusive and Sublot Numbers 232 through 246 both inclusive in the Lenox Park Allotment as shown by the recorded plat in Volume 23 Page 11 of Cuyahoga County Map Records be the same more or less but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction

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

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

Passed February 8, 2010.

Effective February 12, 2010, without the signature of the Mayor.

Ord. No. 129-10.
By Council Member Brady.
An emergency ordinance designating Mount Calvary Evangelical Lutheran Church and School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Mount Calvary Evangelical Lutheran Church and School as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was

held on December 10, 2009 to discuss the proposed designation of Mount Calvary Evangelical Lutheran Church and School as a landmark; and

Whereas, the Commission has recommended designation of Mount Calvary Evangelical Lutheran Church and School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That Mount Calvary Evangelical Lutheran Church and School, whose street addresses in the City of Cleveland are 12800-12898 Lorain Avenue, N.W., Cuyahoga County Auditor's Permanent Parcel Numbers are 021-27-032 and 021-27-033, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of Sublot Numbers 782 through 786 both inclusive in the Lenox Park Allotment as shown by the recorded plat in Volume 23 Page 11 of Cuyahoga County Map Records and Sublot Numbers 1 through 5 both inclusive of Block Number 1 in the Settlement Property Company Lorain Villas Allotment as shown by the recorded plat in Volume 59 Page 16 of Cuyahoga County Map Records and the Southerly 10 feet of Lorain Court, N. W. (20 feet wide) vacated by the Council of the City of Cleveland by Ordinance Number 943-55 be the same more or less but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed February 8, 2010.

Effective February 12, 2010, without the signature of the Mayor.

Ord. No. 130-10.

By Council Member Brady.

An emergency ordinance designating Nathaniel Hawthorne School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Nathaniel Hawthorne School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 10, 2009 to discuss the proposed designation of Nathaniel Hawthorne School as a landmark; and

Whereas, the Commission has recommended designation of Nathaniel Hawthorne School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That Nathaniel Hawthorne School, whose street address in the City of Cleveland is 3575 West 130th Street, Cuyahoga County Auditor's Permanent Parcel Number is 018-01-108, and is also known as the following described property:

Situated in the City of Cleveland (formerly the Village of West Park), County of Cuyahoga, and State of Ohio, and known as being Sublots 872 through 879 both inclusive and 920 through 927 both inclusive and a block of land deeded to the Board of Education in Volume 1814, Pages 103, 105, and 106 as shown in the Crawford Land Company's Subdivision No. 2 of original Rockport Township Section No. 11 recorded in Volume 61, Page 20 of Cuyahoga County Map Records and bounded and described as follows:

Beginning at the intersection of the north right of way of Linnet Avenue, S.W. (50 feet wide) and the east right of way of West 130th Street (60 feet wide); thence Northerly along said east right of way of West 130th Street 457.86 feet to the northwest corner of Sublot Number 927 in said Crawford Land Company's Subdivision No. 2; thence Easterly 210 feet along the north line of Sublot Number 927 and Sublot Number 872 in said Subdivision to its intersection with the west right of way of West 129th Street (50 feet wide); thence Southerly along said west right of way of West 129th Street (50 feet wide) 457.86 feet to its intersection with said north right of way of Linnet Avenue, S.W. (50 feet wide); thence Westerly along said north right of way of Linnet Avenue 210.00 feet to its intersection with said east right of way of West 130th Street and the place of beginning.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

from and after the earliest period allowed by law.

Passed February 8, 2010.

Effective February 12, 2010, without the signature of the Mayor.

Ord. No. 171-10.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into contract with Mita Marketing LLC for professional services to assist Cleveland City Council with communications, staff training, and public relations.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into a contract with Mita Marketing LLC for professional services to assist Cleveland City Council with communications, staff training, and public relations, for a period beginning in January 2010 and concluding December 31, 2010.

Section 2. That the cost of said contract shall not exceed \$45,900 and shall be payable from Fund 01, Subfund 001, Account 6320.

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

Passed February 8, 2010.

Effective February 12, 2010.

Ord. No. 172-10.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 22nd Annual Walk for Hunger, on May 8, 2010, to benefit the Hunger Network of Greater Cleveland.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 22nd Annual Walk for Hunger, to benefit the Hunger Network of Greater Cleveland, on May 8, 2010, with the Walk beginning at Burke Lakefront Airport and progressing to Eriesside, around the Browns Stadium, south on West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on East 9th to Superior, west on Superior to Mall, cross the Mall to Lakeside, east on Lakeside to East 9th, north on East 9th to North Coast Harbor to the finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of

Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 8, 2010.
Effective February 12, 2010.

Ord. No. 174-10.
By Council Member Sweeney.
An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 25-1 of the Charter of the City of Cleveland relating to reapportionment of wards.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the special election to be held on May 4, 2010, and providing for the usual daily operation of municipal departments; now therefore

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, May 4, 2010, of a proposal to amend the Charter of the City of Cleveland by amending existing Section 25-1 to read as follows:

§ 25-1 Reapportionment of Wards

Commencing with the Federal census decennially taken in the closest proximity to January 1, 2010, and following each subsequent Federal decennial census, the Council no later than April 1 prior to the next regular municipal election shall reapportion the wards of the City, provided however that if the proclamation by the Secretary of State stating the population of cities in Ohio as determined by any such Federal census occurs in any year when the City conducts a regular Municipal election and the proclamation of the Secretary of State occurs less than 120 days before the date for filing nominating petitions for the election under Charter Section 8, the reapportionment of wards under this section shall be effective by no later than April 1 prior to the next regular Municipal election four years thereafter and for all subsequent elections for City offices until the next decennial Federal census. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that reflects a ratio of one ward for every 25,000 people based on the estimated population figure con-

tained in the proclamation of the Secretary of State:

If the City's population is:

The City shall be divided into the following number of wards:

More than 575,000	25
575,000 or less but more than 525,000	23
525,000 or less but more than 475,000	21
475,000 or less but more than 425,000	19
425,000 or less but more than 375,000	17
375,000 or less but more than 325,000	15
325,000 or less but more than 275,000	13
275,000 or less	11

The wards so formed shall be as nearly equal in population as may be, composed of contiguous and compact territory, and bound by natural boundaries and street lines.

If the Council fails to reapportion the wards by the dates herein provided, the Mayor shall within fifteen business days thereafter submit to Council a plan for the reapportionment of the wards. The Council shall within ten business days after receiving the Mayor's plan, reapportion the wards as herein provided. If the Council does not reapportion the wards within this latter ten business day period, the reapportionment plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as herein provided.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the May 4, 2010, special election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on May 4, 2010, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on May 4, 2010, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Section 25-1 of the Charter of the City of Cleveland be amended to provide that following any Federal census, the Council shall reapportion City wards by no later than April 1 prior to the next regular municipal election, provided that if the proclamation by the Secretary of State stating the population of Ohio cities under any such census occurs less than 120 days before the date for filing nominating petitions for a City election, the Council shall reapportionment wards by no later than April 1 prior to the next regular Municipal election four years thereafter?

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

Passed February 8, 2010.
Effective February 12, 2010.

Ord. No. 175-10.
By Council Member Sweeney.
An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Section 200-1 of the Charter of the City of Cleveland relating to the Charter Review Commission.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the special election to be held on May 4, 2010, and providing for the usual daily operation of municipal departments; now therefore

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on Tuesday, May 4, 2010, of a proposal to amend the Charter of the City of Cleveland by amending existing Section 200-1 to read as follows:

§ 200-1 Charter Review Commission

Not later than the first day of February in the year 2018 and of each succeeding tenth year thereafter, the Council shall provide for the selection of a Charter Review Commission and shall appropriate adequate funds for a comprehensive review of the existing Charter provisions.

The Charter Review Commission shall consist of fifteen electors of the City of Cleveland appointed or elected in the manner prescribed by ordinance.

Within thirty days after selection the members shall meet, choose a Chairman and Secretary, and adopt rules to govern the procedure of the Commission. The Commission may employ necessary assistants and professional services as it deems necessary, within the funds appropriated for this purpose.

Not later than one year after its organization the Charter Review Commission shall report to the Council proposed amendments to the Charter as the Commission determines to be necessary or desirable and a statement of the reasons for submitting the proposed amendments to the electors; or that no changes in the Charter are required or desired.

Upon receipt of the report of the Charter Review Commission setting forth any proposed amendment or amendments to the Charter, the Council shall determine by ordinance whether the proposed amendment or amendments shall be submitted to the electors of the City of Cleveland in the manner provided and governed by the provisions of Section 200 and in conformity with Section 9 of Article XVIII, of the Ohio Constitution.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the May 4, 2010, special election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on May 4, 2010, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on May 4, 2010, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of

the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Section 200-1 of the Charter of the City of Cleveland be amended to provide that by no later than the first day of February of 2018 and of each succeeding 10th year thereafter, the City Council shall provide for the selection of a Charter Review Commission; the Commission shall report any proposed Charter amendments to the Council within one year of the Commission's organization; and upon receipt of the Commission's report, the Council shall determine by ordinance whether any of the proposed amendments shall be submitted to the City's electors?

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

Passed February 8, 2010.
Effective February 12, 2010.

Ord. No. 176-10.
By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

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

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

Section 1. That the Clerk of Council

is authorized to enter into an agreement with the Project Group for the professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

The agreement shall be certified in an amount not to exceed \$250,000.00 from fund 52-001, 54-001 and/or 58-001 and such other funds as may be deemed appropriate by the Director of Finance.

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

Passed February 8, 2010.
Effective February 12, 2010.

**COUNCIL COMMITTEE
MEETINGS**

**Friday, February 12, 2010
11:30 a.m.**

Aviation and Transportation Committee: Present: Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, Kelley, Mitchell Authorized Absence: K. Johnson.

**Tuesday, February 16, 2010
9:00 a.m.**

General Fund Budget Hearings: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Wednesday, February 17, 2010
9:00 a.m..**

General Fund Budget Hearings: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

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