

The City Record

Official Publication of the Council of the City of Cleveland



September the Twenty-Fourth, Two Thousand and Eight

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	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Mamie J. Mitchell
7	Stephanie Howse
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Martin J. Keane

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	Stephanie Howse	1804 East 93rd Street	44106
8	Sabra Pierce Scott	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
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
Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
Karen E. Martines, 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 – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
Purchases and Supplies – James E. Hardy, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

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

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

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

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

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

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Laura M. Bala, Chair; Jennifer Coleman, Vice Chair; Robert N. Brown, Council Member Joe Cimperman, Thomas Coffey, Robert Jackimowicz; Ari Maron, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

AUDIT COMMITTEE – Robert Rawson, Chairman; Yvette Ittu, Debra Janik, Bracy Lewis, Don Neebes, 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 Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Marilyn B. Cassidy	12A
Judge Emanuella Groves	13A
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles Patton, Jr.	12B
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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WEDNESDAY, SEPTEMBER 24, 2008

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CITY COUNCIL

MONDAY, SEPTEMBER 22, 2008

The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2006-2009

MONDAY—Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 22, 2008

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Howse, Johnson, Keane, Kelley, Mitchell, Pierce Scott, Polensek, Reed, Santiago, Sweeney, Westbrook, White and Zone.

Also present were Mayor Frank G. Jackson; Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Chris Warren, Chief of Regional Development; Monyka S. Price, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; and Directors Triozzi, Smith, Wasik, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Nichols, Brown and Theresa Stevenson, Legislative Liaison.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Earl Bumgarner of the City of God Bap-

tist Fellowship Church, located in Ward 10. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 1468-08.

September 16, 2008

Hon. Martin J. Sweeney,
Council President
Cleveland City Council
City Hall, Room 220

Dear Council President Sweeney:

I have had the privilege to represent the citizens of Ward 1 as a Cleveland City Councilmember. It has likewise been an honor to serve with you and the other Members of Council. I look forward to continuing our work together.

I hereby resign my position as Cleveland City Councilmember of Ward 1, effective September 16, 2008. Thank you for your support.

Sincerely,
Nina Turner

Received.

ELECTION TO FILL VACANCY IN WARD 1

The President of Council declared a vacancy in Ward 1 by reason of the resignation of Council Member Nina Turner and called upon Council Member Sabra Pierce Scott to make a nomination to fill the vacancy.

Council Member Sabra Pierce Scott nominated Terrell H. Pruitt to serve as Council Member representing Ward 1.

Council Member Kevin Kelley seconded the motion.

Council Member Robert J. White moved that the nominations be closed. Without objection, the nominations were closed. Thereupon, the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk of Council to call the roll upon the election of Council Member of Ward 1. Upon completion of the roll call, the Clerk

announced that Terrell H. Pruitt received 20 votes.

Those who voted for Terrell H. Pruitt were Council Members: Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Howse, Johnson, Keane, Kelley, Mitchell, Pierce Scott, Polensek, Reed, Santiago, Westbrook, White, and Zone.

The Chair declared Terrell H. Pruitt, having received the unanimous vote of all the members elected to Council to be the duly elected Council Member of Ward 1.

The President requested the duly elected Member of Council to the podium to have the oath of office administered by Ohio State Senator Nina Turner. Council Member Terrell H. Pruitt took his seat in the Council Chambers and introduced and thanked his family, friends and constituents and then assumed the duties of the Council, representing, Ward 1.

OATH OF OFFICE

File No. 1469-08.

Oath of Office

State of Ohio)
)SS:
County of Cuyahoga)

I, Terrell Pruitt, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of Ward 1 Representative of Cleveland City Council, of the City of Cleveland, State of Ohio, during my continuance in said office.

Terrell Pruitt

Sworn to before me and subscribed in my presence this 22nd day of September, 2008.

RACHEL NIGRO SCALISH
Notary Public
State of Ohio

Received.

PLATS

File No. 1470-08.

Council Member Mitchell (Ward 6). Coltman Road Town Homes Subdivision — East 120th Street and Coltman Road and Mayfield Road. Approved by Directors of City Planning and Public Service. Without objection Plat approved. Received.

File No. 1471-08.

Council Member Mitchell (Ward 6). St. Luke's Subdivision Phase Three — East 110th Street and Martin Luther King Jr., Boulevard. Approved by Directors of City Planning and Public Service. Without objection Plat approved. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1472-08.

Re: # 9116701 — C1 Stock Application — 2625 East 55th Street Gas, Inc., d.b.a. East 55th Street Shell. (Ward 5). Received.

File No. 1473-08.

Re: # 73935330730 — C1 Stock Application — Riser Foods Co., d.b.a. Getgo 3329, 2780 East 116th Street. (Ward 6). Received.

File No. 1474-08.

Re: # 03474880001 — D2, D2X, D6 Transfer of Location. Application — 2625 East 55th Street Gas, Inc., d.b.a. East 55th Street Shell. (Ward 5). Received.

File No. 1475-08.

Re: # 1395425 — C2, C2X, D6 Transfer of Ownership and Location Application — Sophia Chandler, 6212 Superior Avenue. (Ward 7). Received.

File No. 1476-08.

Re: # 1021553 — D1, D2, D3, D3A Transfer of Ownership Application — Velezia I. Brown, 7822 St. Clair Avenue. (Ward 8). Received.

File No. 1477-08.

Re: # 8650409 — C2, C2X Transfer of Ownership Application — Benny Strozler, d.b.a. Elk Avenue Grocery, 1st Floor and Basement, 10130 Elk Avenue. (Ward 8). Received.

File No. 1478-08.

Re: # 7689971 — C1, C2 Transfer of Ownership and Location Application — Salman Corp., 12425-29 Arlington Avenue. (Ward 9). Received.

File No. 1479-08.

Re: # 03474880001 — D2, D2X, D6 Transfer of Location Application — B Brothers Inc., d.b.a. Market Avenue Wine Bar, 2521 Market Avenue. (Ward 13). Received.

File No. 1480-08.

Re: # 8774069 — D5 Transfer of Location Application — TR3S 33 Bar and Lounge, LLC, 7403 Denison Avenue. (Ward 18). Received.

File No. 1481-08.

Re: # 1589123 — D5 Transfer of Ownership Application — Cody1, Inc., 13560 Lorain Avenue. (Ward 20). Received.

File No. 1482-08.

Re: # 7057634 — C1 Transfer of Ownership Application — Prakash, Inc., d.b.a. Jrs Mini Mart, 14910 Lorain Road. (Ward 21). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1483-08—Ethel L Brock.
Res. No. 1484-08 — Esther Cone Langford.

Res. No. 1485-08 — Edward F. Kenik.

Res. No. 1486-08—Dona Peters.

CONGRATULATION RESOLUTIONS

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

Res. No. 1487-08—Elaine Bednar.

Res. No. 1488-08—Paul Zagaria.

Res. No. 1489-08—David Zeih.

Res. No. 1490-08 — Kathleen Nehrenz.

Res. No. 1491-08—Nina Turner.

Res. No. 1492-08—Jasper L. Scott.

Res. No. 1493-08 — Kenneth and Clarzell Thomas.

Res. No. 1494-08—Malachi House.

COMMENDATION RESOLUTION

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

Res. No. 1495-08 — Charles Lakofsky.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1454-08.

By Council Members Zone and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with National Urban Fellows for the placement of David Heard, for a period up to nine months.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more agreements with National Urban Fellows for the placement of David Heard in the Department of Public Utilities and the Mayor's Office, for a period up to nine months.

Section 2. That the cost of the agreement shall not exceed \$31,500 and shall be paid from Fund No. 52 SF 001, Request No. 182325.

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

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

Ord. No. 1455-08.

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

An emergency ordinance authorizing the Director of Public Utilities to execute a deed of easement granting to the Northeast Ohio Regional Sewer District certain easement rights located within a portion of Permanent Parcel No. 003-01-004 and declaring the easement rights granted are not needed for public use.

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") requested the Director of Public Utilities to convey certain easement rights located within a portion of Permanent Parcel No. 003-01-004; and

Whereas, NEORS requires the easement rights for construction and maintenance of their Westerly Interceptor Box Culvert Repair project; and

Whereas, the easement rights to be granted are not needed for public use; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property are not needed for public use:

LEGAL DESCRIPTION OF
PERPETUAL PERMANENT
SEWER

EASEMENT WIBC-R4P ON THE
PROPERTY OF THE CITY OF
CLEVELAND WATERWORKS

Situated in the City of Cleveland County of Cuyahoga, State of Ohio, and being part of the land conveyed to The City of Cleveland Waterworks (the Grantor) being a part of Cuyahoga County Auditor's Permanent Parcel Number (PPN) 003-01-004; the following permanent sewer easement across part of the property, being more particularly described as follows:

Commencing for reference at the intersection of the Southern right-of-way line of the West Shoreway and the original centerline of Crescent Avenue, now vacated.

Thence along the said West Shoreway right-of-way line, North 42 degrees 14 minutes 14 seconds West, a distance of 133.77 feet to a point, said point being the Point of Beginning;

Thence leaving the said Southern right-of-way line and through the lands of the Grantor, South 39 degrees 48 minutes 04 seconds West a distance of 2.91 feet to a point;

Thence continuing through the lands of the Grantor, North 90 degrees 00 minutes 00 seconds West, a distance of 15.30 feet to a point;

Thence continuing through the lands of the Grantor, North 00 degrees 00 minutes 00 seconds East, a distance of 21.14 feet to a point on the said Southern right-of-way line of the West Shoreway;

Thence along the said West Shoreway right-of-way line, South 42 degrees 14 minutes 14 seconds East, a distance of 25.53 feet to the Point of Beginning, containing 0.005 acres more or less, being subject to all legal roads, highways and easements of record.

The above description was prepared by DLZ Ohio, Inc., under the direct supervision of Charles H. Murphy, Ohio Registered Professional Surveyor No. 6950, from record deeds, plat information, and found monumentation.

The bearings used in this description based on The Ohio North Zone State plane Coordinate System NAD83 from a survey conducted by DLZ Ohio, Inc. in 2006.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to NEORS, subject to any condition stated, at a price not less than fair market value as determined by the Board of Control.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be for construction and maintenance of their Western Interceptor Box Culvert Repair project.

Section 4. That the duration of the easement shall be permanent; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Public Utilities; that the easement shall require that NEORS indemnify the City, provide reasonable insurance, maintain any NEORS improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by Director of Law and executed by the Director of Public Utilities on behalf of the City. The Directors of Public Utilities and Law are authorized to execute such other documents including without limitation, contracts for right of entry, as may be necessary to effect the construction and maintenance of the improvements.

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

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

Ord. No. 1456-08.
By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to the Master Lease and Agreement No. 28672 with US Airways, Inc. to delete certain space from the Lease, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to enter into an amendment to the Master Lease and Agreement No. 28672 with US Airways, Inc. to delete from US Airways, Inc.'s rights and obligations under the Lease, approximately one hundred and seventy (170) square feet of space located immediately adjacent to the public entrance to the passenger terminal building at Cleveland Hopkins International Airport, commonly known as the curbside bag check-in, effective September 1, 2008.

All other terms and conditions contained in the Master Lease and Agreement No. 28672 shall remain the same.

Section 2. That the amendment authorized by this ordinance shall be prepared by the Director of Law.

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

from and after the earliest period allowed by law.

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

Ord. No. 1457-08.
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 amendments to Contract No. 31263 and 38171 with Northwest Airlines, Inc. and Continental Airlines, Inc. to adjust the leased premises under their respective leases.

Whereas, both Northwest Airlines, Inc. ("Northwest") and Continental Airlines, Inc. ("Continental") have current leases of space in Cleveland Hopkins International Airport terminal needed for their respective day-to-day operations; and

Whereas, they desire to add or delete space to their leased premises and exchange certain portions of such leased premises with one another; and

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

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

Section 1. That the Director of Port Control is authorized to enter into one or more amendments to Contract No. 31263, as amended, with Northwest to modify the existing leased premises under their lease, effective June 1, 2008. Approximately 1,467.67 square feet will be deleted from Northwest's leased premises under Contract No. 31263. Any reduction in the total rental amount as a result of this adjustment in the leased premises will be established in the amendment or amendments. All other terms and conditions contained in Contract No. 31263, as amended, shall remain the same.

Section 2. That the Director of Port Control is authorized to enter into one or more amendments to Contract No. 38171, as amended, with Continental to modify the existing leased premises under their lease, effective June 1, 2008. Approximately 6,302.00 square feet will be added to Continental's leased premises under Contract No. 38171. Any increase in the total rental amount as a result of this adjustment in the leased premises will be established in the amendment or amendments. All other terms and conditions contained in Contract No. 38171, as amended, shall remain the same.

Section 3. That the amendments to the leases authorized in this ordinance shall be prepared by the Director of Law.

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

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

Ord. No. 1458-08.
By Council Members Kelley, Cleveland and Sweeney (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 139.031 to 139.0393 relating to establishing new Divisions within the Department of Port Control; and to amend Sections 139.041 and 139.051 as amended by various ordinances, relating to the duties of Commissioners of Cleveland Hopkins International Airport and Burke Lakefront Airport.

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 upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Divisions of Departmental Services, Administration and Performance Management, Business Development and Management, Finance, Marketing and Air Service Development, and Planning and Engineering are established, and for those purposes, the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 139.031 to 139.0393 to read as follows:

Section 139.031 Division of Departmental Services

There is established in the Department of Port Control a Division of Departmental Services to be under the authority of, and controlled by a Chief of Departmental Services subject to the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.032 Duties of Chief of Departmental Services

The Chief of Departmental Services shall have charge of overseeing Department of Port Control matters relating to Emerging Business Enterprise Development, Policy and Research, and Information Technology. He or she shall have management responsibility for the officers and employees of the several divisions of the Department of Port Control. He or she shall perform such other and further duties as the Director of Port Control may require and shall be subject to provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.033 Division of Administration and Performance Management

There is established in the Department of Port Control a Division of Administration and Performance Management to be administered and controlled by a Chief of Administration and Performance Management, subject to provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.034 Duties of Chief of Administration and Performance Management

The designated Port Control Chief of Administration and Performance Management shall have charge of

overseeing Department of Port Control matters related to human resources, organizational development, performance management and other administrative services. He or she shall perform such other and further duties as the Director of Port Control may require.

Section 139.035 Division of Business Development and Management

There is established in the Department of Port Control a Division of Business Development and Management to be administered and controlled by a Chief of Business Development and Management, subject to provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.036 Duties of Chief of Business Development and Management

The Chief of Business Development and Management shall have charge of developing, negotiating, managing, and overseeing matters related to commercial, airline and other tenants, procurement of goods and services, inventory control and management, and ground transportation services. He or she shall perform such other and further duties as the Director of Port Control may require.

Section 139.037 Division of Finance

There is established in the Department of Port Control a Division of Finance to be administered and controlled by a Chief Financial Officer, subject to provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.038 Duties of Chief Financial Officer

The Chief Financial officer shall have charge of overseeing matters related to accounting, budgeting, finance, and auditing. He or she shall perform such other and further duties as the Director of Port Control may require.

Section 139.039 Division of Marketing and Air Service Development

There is established in the Department of Port Control a Division of Marketing and Air Service Development to be administered and controlled by a Chief of Marketing and Air Service Development, subject to the provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.0391 Duties of Chief of Marketing and Air Service Development

The Chief of Marketing and Air Service Development shall have charge of developing, managing and overseeing matters related to marketing and promotions, domestic and international air service, media and public relations affairs, and customer services. He or she shall perform such other and further duties as the Director of Port Control may require.

Section 139.0392 Division of Planning and Engineering

There is established in the Department of Port Control a Division

of Planning and Engineering to be administered and controlled by a Chief of Planning and Engineering, subject to the provisions of the Charter and ordinances of the City, and to the supervision and direction of the Director of Port Control.

Section 139.0393 Duties of Chief of Planning and Engineering

The Chief of Planning and Engineering shall have charge of matters related to planning, engineering and constructing airport facilities and properties as well as real estate matters, environmental compliance and aircraft noise abatement. He or she shall perform such other and further duties as the Director of Port Control may require.

Section 2. That upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the duties of the Commissioners of Cleveland Hopkins International Airport and Burke Lakefront Airports are amended, and for such purpose Sections 139.041 and 139.051, as amended by Ordinance No. 1440-80, passed December 15, 1980 are amended to read as follows:

Section 139.041 Duties of Commissioner of Cleveland Hopkins International Airport

The Commissioner of Cleveland Hopkins International Airport shall have charge of matters related to **daily operations, employee and airfield safety, security and maintenance** of Cleveland Hopkins International Airport. He shall perform such other and further duties as the Director of Port Control may require.

Section 139.051 Duties of Commissioner of Burke Lakefront Airport

The Commissioner of Burke Lakefront Airport shall have charge of **matters related to daily operations, employee and airfield safety, security and maintenance** of Burke Lakefront Airport. He shall perform such other and further duties as the Director of Port Control may require.

Section 3. That upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the duties of the Commissioners of Cleveland Hopkins International Airport and Burke Lakefront Airports are amended, and for such purpose existing Sections 139.041 and 139.051, as amended by Ordinance No. 1440-80, passed December 15, 1980 are repealed.

Section 4. That the concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately upon the adoption of such concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 1460-08.
By Council Member Polensek.
An emergency ordinance designating the La Salle Theatre Building 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 the La Salle Theatre Building as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on July 24, 2008 to discuss the proposed designation of the La Salle Theatre Building as a landmark; and

Whereas, the Commission has recommended designation of the La Salle Theatre Building 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, com-

munity, or aesthetic interest or value in the landmark; now, therefore,

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

Section 1. That the La Salle Theatre Building, whose street addresses in the City of Cleveland are 819-29 East 185th Street, N. E., Cuyahoga County Auditor's Permanent Parcel Number 114-19-001, also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot Number 157 and all of Sublots Numbers 158, 159, 160, and 161 in Berwick Subdivision of part of Original Euclid Township Lots Numbers 9 and 10, Tract Number 17, as shown by the recorded plat in Volume 27 of Maps, Page 11 of Cuyahoga County Records and bounded and described as follows: Beginning on the Easterly line of East 185th Street, at the Southwesterly corner of Sublot 161; thence Northerly along the Easterly line of East 185th Street, 100 feet to its intersection with the Southerly line of Kildeer Avenue, N. E.; thence Easterly along the Southerly line of Kildeer Avenue, N. E., 185.95 feet to the Northwesterly corner of land conveyed to Michael J. Schmidt and Cecelia Kisner by deed dated September 30, 1950 and recorded in Volume 7086, Page 52 of Cuyahoga County Records; thence Southerly along a Westerly boundary line of land so conveyed, 15.10 feet to an

angle; thence Westerly along a Northerly boundary line of land conveyed to said Michael J. Schmidt and Cecelia Kisner, 4.43 feet to an angle; thence Southerly along a Westerly boundary line of land so conveyed, 84.85 feet to the Southerly line of Sublot Number 157; thence Westerly along the Southerly line of Sublots Numbers 157 and 161, 181.93 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section,

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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1459-08.
By Council Member Sweeney.
An emergency ordinance to amend Section 47 of Ordinance No. 947-08, passed June 9, 2008, relating to compensation for various classifications.

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 47 of Ordinance No. 947-08, passed June 9, 2008, is amended to read as follows:

Section 47. Hourly Rate - MCEO

(a) Effective May 1, 2007, compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Construction Equipment - Group A	\$27.42	\$41.70
2. Construction Equipment - Group B	\$27.27	\$41.55
3. Master Mechanic.....	\$27.92	\$42.20

(b) Effective May 1, 2008, compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Construction Equipment - Group A	\$27.42	\$43.10
2. Construction Equipment - Group B	\$27.27	\$42.95
3. Master Mechanic.....	\$27.92	\$43.60

Section 2. That existing Section 47 of Ordinance No. 947-08, passed June 9, 2008, is repealed.

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

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

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

**Ord. No. 1462-08.
By Council Members Brady and Westbrook.**

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 1433-08 passed September 15, 2008 as it pertains to authorizing the Director of the Public Health Department to enter into an agreement with the Cleveland Animal Protective League to implement a TNR Program through the use of Ward 18 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1433-08 passed September 15, 2008 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Public Health Department to enter into an agreement with the Cleveland Animal Protective League to implement a TNR Program through the use of Ward 18 and 19 Neighborhood Equity Funds.

Section 1. That the Director of the Public Health Department enter into an agreement with the Cleveland Animal Protective League to implement a TNR Program for the public purpose of controlling the feral cat population in the City of Cleveland through the use of Ward 18 and 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 1433-08 passed September 15, 2008 are hereby repealed.

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

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

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

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

**Res. No. 1461-08.
By Mayor Jackson and Council Members Sweeney, Pierce Scott and Santiago.**

An emergency resolution pledging the Mayor and Council's support of the passage of Issue 5 on November 4, 2008, and urging the Cleveland voters to support the issue relating to payday lending.

Whereas, on November 4, 2008, Issue 5 will be appearing on the ballot for consideration by Ohio voters to limit the interest rate for short

term loans to 28% APR and change short term lending laws; and

Whereas, payday loans are designed to trap people in a cycle of repeat borrowing; and

Whereas, the interest on a typical payday loan is 391% APR; and

Whereas, these high interest rates aggravate Cleveland's home mortgage foreclosure crisis; and

Whereas, Democratic state legislators joined with Republicans to crack down on abuse lending by passing House Bill 545, which caps Ohio's annual interest on payday loans at 28%; and

Whereas, Governor Ted Strickland signed House Bill 545 into law; and

Whereas, the national payday lobby is financing a referendum that would undermine Ohio's nationally acclaimed payday reform law and allow lenders to continue charging rates commonly associated with loan sharking; and

Whereas, this referendum would appear on the November 4 ballot as Issue 5; and

Whereas, a YES vote on Issue 5 will preserve Ohio's 28% rate cap and block lenders from charging 391% interest; and

Whereas, preserving the rate cap will help Cleveland's families, neighborhoods and businesses by allowing borrowers to keep more of their money by spending less on high interest rates; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that passage of Issue 5 will extend the same loan protections to Cleveland families that the federal government provides to military families; now therefore,

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

Section 1. That the Mayor and Council pledge their support of and urge the voters of the City of Cleveland to support State Issue 5 at the election to be held on November 4, 2008, relating to payday lending.

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

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

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

**Res. No. 1463-08.
By Council Member Pierce Scott.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 7822 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Al & Will's, Inc., 7822 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0090216 to Velecia I. Brown, 7822 St. Clair Avenue, Cleveland,

Ohio 44103, Permanent Number 1021553; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Al & Will's, Inc., 7822 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0090216 to Velecia I. Brown, 7822 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 1021553; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1464-08.**By Council Member Pierce Scott.****An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10218 St. Clair 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 Mike's Coolers, Inc., 10218 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 5942016 to Um Lulu, Inc., 10218 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 9147671; 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 Mike's Coolers, Inc., 10218 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 5942016 to Um Lulu, Inc., 10218 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 9147671; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

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

Res. No. 1465-08.**By Council Member Sweeney.****An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 13560 Lorain Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from 13560 Lorain, Inc., DBA Sheehan's, 13560 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 6549692 to Cody1, Inc., 13560 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 1589123; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from 13560 Lorain, Inc., DBA Sheehan's, 13560 Lorain Avenue, Cleveland, Ohio 44111, Permanent

Number 6549692 to Cody1, Inc., 13560 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 1589123; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1466-08.**By Council Member Coats.****An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 16601 Euclid Avenue and repealing Resolution No. 1232-08, objecting to said renewal.**

Whereas, this Council objected to a C1, C2 and D6 Liquor Permit at 16601 Euclid Avenue by Resolution No. 1232-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a C1, C2 and D6 Liquor Permit to Hymie Enterprises, Inc., DBA Gas USA Mini Mart, 16601 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4101794 be and the same is hereby withdrawn and Resolution No. 1232-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1467-08.

By Council Member Sweeney.

An emergency resolution urging the State Legislature to enact a Silver Alert Program.

Whereas, approximately 3 million Americans with Alzheimer's disease and other forms of dementia go missing and, if not found within 24 hours, there is a 50% chance that the person will suffer a serious injury or die; and

Whereas, there are ten states across the country using a Silver Alert Program inspired by Amber Alerts for missing children; and

Whereas, these Silver Alert Programs have led to safe recoveries of seniors and have saved lives; and

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

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

Section 1. That this Council urges the State Legislature to enact a Silver Alert Program.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Governor Strickland and all members of the Ohio legislature representing northeast Ohio.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1822-07.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 81st Street and Superior to Mona Walker.

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

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

Ord. No. 1139-08.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Linwood and East 66th Street to Marilyn L. Johnson.

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

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

Ord. No. 1170-08.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to plan, execute, manage, and perform other related services for events relating to the Emerging Business Enterprise Development Office of the Department of Port Control, for a period of one year, with two one-year options to renew, the second of which is exercisable through additional legislative authority.

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

1. In Section 2, line 2, strike "175226" and insert "175224".

Amendment agreed to.

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

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

Ord. No. 1171-08.

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

An emergency ordinance authorizing the purchase by one or more contracts of a Global Positioning System/Geographic Information System Airfield Management System, including installation and maintenance; and authorizing the purchase by one or more requirement contracts of parts not covered under the warranty or maintenance agreement, for the various divisions of the Department of Port Control, for a period up to two years with two options to renew for additional one-year periods, the first of which is exercisable through additional legislative authority.

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

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

Ord. No. 1181-08.

By Council Members Turner, Pierce Scott, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of performing environmental remediation and demolition of the former Beehive Classroom Apartment Building located at 4345 Lee Road; and authorizing the Director of Community Development or the Director of Building and Housing, as appropriate, to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Community Development, Building and Housing, City Planning Commission,

Finance, Law; Relieved of City Planning Committee; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 1182-08.

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

An emergency ordinance authorizing the Director of Building and Housing to employ one or more professional consultants to assess the current Certificate of Disclosure process, to recommend improvements, and to design and implement the accepted recommendations, for the Department of Building and Housing.

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

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

Ord. No. 1189-08.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to plan, execute, manage, and perform other related services for various events sponsored by the Department of Port Control, for a period of one year, with two one-year options to renew, the second of which is exercisable through additional legislative authority.

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

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

Ord. No. 1324-08.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Mary Taylor, Ohio State Auditor, for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2008 financial statements, and to complete two statements of Auditing Standards for the Divisions of Water and Taxation; and authorizing the Director of Finance to enter into one or more contracts with Julian Grube, Inc. for professional services necessary to prepare financial statements and to provide accounting and auditing training.

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

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

Ord. No. 1427-08.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist in the operations of the organization and to create a new marketing initiative to promote the City of Cleveland as a venue for film, television, and commercial productions.

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

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

LAID ON THE TABLE**Ord. No. 1991-05.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 89th Street to The Kevanna Group, Inc.

Ord. No. 1824-07.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to Cleve Covington, Jr.

Without objection, Ordinance No. 1991-05 and Ordinance No. 1824-07 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Ordinance No. 1991-05 and Ordinance No. 1824-07 laid on the table.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, September 29, 2008 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 17, 2008

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 17,

2008, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Absent: Mayor Jackson and Director Fumich.

Others: James Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 461-08.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of O.E. Meyers Company, for an estimated quantity of welding equipment supplies and materials, for Group A all items, Group B item nos. 1-39 and 42-69, Group C item nos. 1 and 4-12, for the various divisions of City government, for the period of two years beginning with the date of execution of a contract, received on August 13, 2008, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$170,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 182298 which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 462-08.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tenable Security Inc., d.b.a. Tenable Protective Services, Inc., for an estimated quantity of unarmed uniformed security, for Group A and B, for the various divisions of City government, for the period of two years starting upon execution of the contract or the day following expiration of the currently effective contract, received on July 31, 2008, under the authority of Ordinance No. 731-08, passed on June 2, 2008, which on the basis of the estimated quantity would amount to \$2,630,516.80, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide

for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 169845

which shall be certified against the contract in the sum of \$132,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 463-08.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Independence Office and Business Supply Co., Inc., dba Independence Business Supply, for an estimated quantity of office supplies, for group C, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, with a one-year option to renew, received on July 25, 2008, under the authority of Ordinance No. 1723-07, passed on October 29, 2007, which on the basis of the estimated quantity would amount to \$191,818.78, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 182334

which shall be certified against the contract in the sum of \$10,060.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 464-08.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Office Depot, for an estimated quantity of office supplies, for group A and B, for the various divisions of City government, for the period of one year beginning with the date of execution of contract, with a one-year option to renew, received on July 25, 2008, under the authority of Ordinance No. 1723-07, passed on October 29, 2007, which on the basis of the estimated quantity

would amount to \$220,135.73, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 182335

which shall be certified against the contract in the sum of \$11,007.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 465-08.

By Interim Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 6, 2008 for hydrofluosilicic acid, 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, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 466-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of WESCO Distribution Inc. for an estimated quantity of safety equipment required for OSHA/PERRP Compliance, Group 1, items 1A-1C, and Group 3, items 3A-3T, for the various divisions of the 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 goods or services, received on July 25, 2008 under the authority of Ordinance No. 346-08, passed April 14, 2008, which on the basis of the estimated quantity would amount to \$715,000.00 (Net 30 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 commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 182304

which shall be certified against the contract in the sums of \$50,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the commodities, whether more or less than the esti-

mated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 467-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Industrial Environmental Monitoring Instruments, Inc. for an estimated quantity of safety equipment required for OSHA/PERRP Compliance, Group 4, items 4A-4E, for the various divisions of the 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 goods or services, received on July 25, 2008, under the authority of Ordinance No. 346-08, passed April 14, 2008, which on the basis of the estimated quantity would amount to \$210,000.00 (2%, 30 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 commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 182302

which shall be certified against the contract in the sums of \$75,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 468-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Ohio Machinery Co., d.b.a. Ohio CAT for an estimated quantity of safety equipment required for OSHA/PERRP Compliance, Group 2, items 2A-2F, for the various divisions of the 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 goods or services, received on July 25, 2008, under the authority of Ordinance No. 346-08, passed April 14, 2008, which on the basis of the estimated quantity would amount to \$210,000.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the ini-

tial amount of the contract of the following:

Requisition No. 182303

which shall be certified against the contract in the sums of \$50,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 469-08.

By Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of Firelands Supply Company, for an estimated quantity of Guard Rail Elements, all items, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on July 10, 2008, under the authority of Section 181.101, Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$99,650.00, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 186720

which shall be certified against such contract in the sum of \$16,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Carroll, Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 470-08.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Schindler Elevator Corporation for an estimated amount of Labor & Materials needed to Maintain and Service Elevator, all items, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 13, 2008, under the authority of Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount \$121,470.00, is affirmed and approved as the lowest and best bid, and the Director of

Public Safety is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 171250

as specified, which shall be certified against such contract in the sum of \$9,440.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Carroll and Fumich.

Resolution No. 471-08.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Kone, Inc., for the following: purchase and replacement of the power unit on elevator #3 at the West Side Market for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on July 10, 2008, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the order quantity would amount to \$20,801.00, is approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into contract for such items.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Carroll and Fumich.

Resolution No. 472-08.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Hermetic & Supply for an estimated quantity of HVAC/R materials and equipment (All Items) for the Division of Property Management, Department of Parks, Recreation and Properties for the period of two (2) years, received June 19, 2008, under authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$285,000.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of the requirement contract of the following:

Requisition No. 187611

which shall be certified against such contract in the sum of \$50,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Carroll and Fumich.

Resolution No. 473-08.

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. 110-27-014 located at 1104 East 125th Street in Ward 9; 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, Vernell Clovesko and Joseph Clovesko, abutting/adjacent landowners, have 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 9 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 purchasers of the parcel are 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 Vernell Clovesko and Joseph Clovesko for the sale and development of Permanent Parcel No. 110-27-014 located at 1104 East 125th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Carroll and Fumich.

Resolution No. 474-08.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 007-05-033 located at West 38th Street in Ward 14; and

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

Whereas, Sophia A. Tirado, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Sophia A. Tirado for the sale and development of Permanent Parcel No. 007-05-033 located at West 38th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Carroll and Fumich.

Resolution No. 475-08.

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. 125-12-021 located at East 65th Street in Ward 12; 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, Scott Denham, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion, future garage and driveway; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 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 Scott Denham for the sale and development of Permanent Parcel No. 125-12-021 located at East 65th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Scott, Directors Flask, Cox, Rush, Acting Director Rudman, Directors Nichols, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Carroll and Fumich.

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, OCTOBER 6, 2008

9:30 A.M.

Calendar No. 08-167: 5110 Clark Avenue (Ward 17)

Prime Properties, LLC, owner, appeal to add a drive-through at an existing gas station located on a 117.33' x 132' corner parcel in a General Retail Business District; contrary to Sections 347.16(d)(4), pedestrian routes between the entrances to principal structures and any parking area or sidewalk that require the crossing of drive-through lanes to be either avoided or clearly identified by pavement markings or signage and none is proposed; no measurement is shown for drive-through and by-pass lanes that must be a minimum of 10 feet wide and the number for off-street stacking spaces is not indicated for customer vehicles in a drive-through lane, contrary to Sections 347.16(d)(3) and Sections 347.16(d)(1). No landscaping is proposed where a 10 foot wide landscaping strip with 75 percent year-round opacity is required at the rear of the property between the General Retail District and the abutting Two-Family District, and a 4 foot wide landscaping frontage strip with 50 percent year-round opacity is required along Clark Avenue contrary to Section 352.11.

Calendar No. 08-169: 5000 Pearl Road (Ward 16)

Myron Kaplan, owner, appeals to use for auto wrecking and dismantling purposes a structure identified as "Building B", that is located on an acreage parcel on the west side of Pearl Road in a Semi-Industry and General Industry District; the proposed use being first permitted in a General Industry District, in accordance with the provisions of Section 345.04(a)(1)(C)(4); and the Board of Zoning Appeals approval is required for the expansion of a non-conforming use, as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 08-171: Violation Notice, 3616 Riverside Avenue (Ward 15)

Alexandria and Charlene Jorge appeal under authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances, from a Violation Notice issued by the Department of Building and Housing on August 18, 2008 for the property at 3616 Riverside Avenue and failure to comply with Sections 358.03 and 358.04 of the Fence Regulations.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 22, 2008

At the meeting of the Board of Zoning Appeals on Monday, September 22, 2008, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 08-161: 3304 Archwood Avenue

John Hayes appealed to erect a three car frame garage in a Two-Family District.

Calendar No. 08-162: 1595 West 116th Street

Pedro Rodriguez, owner, and Sherry Johns, tenant, appealed to establish use as a Type A day care in a Semi-Industry District; subject to condition.

Calendar No. 08-165: 231 East 156th Street

Northeast Shores Development Corporation appealed to change use of a four unit apartment building and retail space to a six unit condominium building and to erect a six car garage in a Local Retail Business District.

Calendar No. 08-97: 12510 Triskett Avenue

Triskett Road Storage, LLC, owner, and Clear Channel Outdoor, tenant, appealed to change an existing billboard to a digital electronic billboard unit in a Semi-Industry District; subject to conditions.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

None.

The following appeals heard by the Board on September 15, 2008 were adopted and approved on September 22, 2008.

The following appeals were **Approved:**

Calendar No. 08-154: 17812 Landseer Road

Nicholas Underhill appealed to erect a kitchen addition to a single family dwelling in an A1 One-Family District.

Calendar No. 08-159: 4060 East 116th Street

Number One Grace LLC appealed to establish use of a 77,500 square foot auto wrecking yard in a General Industry District.

Calendar No. 08-160: 10801 Meech Avenue

Dumpsites Unlimited LLC appealed to establish use for processing and storing of landscaping

materials for distribution and sale and a use of the premises for recycling of construction debris material and sale in a General Industry District.

The following appeal was **Denied**:
None.

Secretary

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

Re: Report of the Meeting of
September 17, 2008

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

* * *

Docket A-82-06.

RE: Appeal of FPT Cleveland Real Estate LLC/FPT Cleveland LLC, Owner of the Property located on the premises known as 8500 Aetna Road from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated June 29, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued; that the Appellant has abated or is in the process of abating all the violations, and that a Certificate of Occupancy is still required; and to find that by the testimony presented, the two (2) properties under review at this time for a Certificate of Occupancy, the uses do not constitute production of storage of materials. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

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Docket A-93-08.

RE: Appeal of FPT Cleveland Real Estate LLC/FPT Cleveland LLC, Owner of the Property located on the premises known as 8554 Aetna Road from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated May 19, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued; that the Appellant has abated or is in the process of abating all the violations, and that a Certificate of Occupancy is still re-

quired; and to find that by the testimony presented, the two (2) properties under review at this time for a Certificate of Occupancy, the uses do not constitute production of storage of materials. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-94-08.

RE: Appeal of FPT Cleveland Real Estate LLC/FPT Cleveland LLC, Owner of the Property located on the premises known as 8552 Aetna Road from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated May 19, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued; that the Appellant has abated or is in the process of abating all the violations, and that a Certificate of Occupancy is still required; and to find that by the testimony presented, the two (2) properties under review at this time for a Certificate of Occupancy, the uses do not constitute production of storage of materials. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

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Docket A-101-08.

RE: Appeal of Linda J. Tollivar — Veggacado, Owner of the Mixed Uses — Multiple Uses In One Building Two and One/half Story Frame Property located on the premises known as 9502 Cedar Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated May 19, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-104-08.

RE: Appeal of Ivanhoe — Cleveland Associates, LLC, Owner of the F-2 Factory-Low Hazard (Non-Combustibles) Three Story Metal Frame Property located on the premises known as 1050 Ivanhoe Road from a 30 DAY CONDEMNATION

ORDER — MS of the Director of the Department of Building and Housing, dated June 03, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to secure the property within seven (7) days; and to grant the Appellant thirty (30) days in which to abate the hazardous violations and ninety (90) days in which to abate all the violations on the property; Should either deadline not be met, the securing of the property or the abatement of the hazardous violations do occur in thirty (30) days, the property is REMANDED at that time to the Department of Building and Housing for further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-115-08.

RE: Appeal of Virginia Williams, Owner of the two Dwelling units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 1320 East 75th Place from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated June 17, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the contractor is liable for the cost of the permits and any required penalties, noting and recommending that the homeowner is not liable for these costs as it was not the homeowners issue. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

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Docket A-116-08.

RE: Appeal of Virginia Williams, Owner of the two Dwelling units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 1308 East 75th Place from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated June 17, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the contractor is liable for the cost of the permits and any required penalties, noting and recommending that the homeowner is not liable for these costs as it was not the homeowners issue. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

Docket A-118-08.

RE: Appeal of Grand Avenue Realty Company, Inc., Owner of the F-1 Factory — Moderate Hazard (Combustibles) Two Story Masonry Property located on the premises known as 2809 Evarts Avenue from a 30 DAY DETERIORATED CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated June 30, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-118-08 has been POSTPONED; to be rescheduled for October 15, 2008.

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Docket A-120-08.

RE: Appeal of Andrea D.C. Johnson, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 1819 East 97th Street from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated November 16, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to complete demolition of the property as the Appellant has proposed, and to find that the Notice of Violation was properly issued; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-121-08.

RE: Appeal of Andrea D.C. Johnson, Owner of the Two Dwelling Units Two-Family Residence Two and One/half Story Frame Property located on the premises known as 1834 East 97th Street from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated November 16, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all required permits for the work to be done, and ninety (90) days in which to complete abatement of the violations on the property; Should the required permits not be obtained within thirty (30) days, the property is REMANDED at that time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

Docket A-129-08.

RE: Appeal of Mark Tressler, Owner of the Three Dwelling Units Three-Family Residence Two and One/half Story Frame Property located on the premises known as 3592 East 61st Street from a 14 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated August 14, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all permits and one hundred-twenty (120) days in which to abate all violations, noting that it is understood that if a unit is successfully and compliantly completed, partial occupancy can be obtained; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-131-08.

RE: Appeal of Bobby Weathers, Owner of the One Dwelling Unit Single Family Residence Two and One/half Story Frame Property located on the premises known as 7306 Berry Avenue from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated January 11, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the stairs to be constructed as they are, with three (3) risers at 8" and two (2) risers at 8-1/2"; noting that the homeowner does not object in view of the fact that railings are being provided. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-135-08.

RE: Appeal of Bratenahl Extension, LLC, Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) four Story Masonry Walls/Wood Floors Property located on the premises known as 14012 Lakeshore Boulevard from a LIMITATION ON THE PERMIT of the Director of the Department of Building and Housing, dated June 10, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the work to proceed with the inspections as they are scheduled; the Board will accept the work that has been done today, not-

ing the owners acceptance of the quality of the work and the owners agreement with the contractor to extend a two (2) year warranty on all the work that's been completed. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-145-08.

RE: Appeal of Columbia LLC, Owner of the Property located on the premises known as 112 Prospect Avenue — 8th Floor from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 8, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled for October 1, 2008.

* * *

APPROVAL OF RESOLUTIONS

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

- A-105-08—Estate of Mille Davis.
- A-110-08—Jeanette St. Clair & Barbara Carswell.
- A-133-08—Arts Collinwood, Inc.
- A-134-08—Barbara Scott.

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

* * *

APPROVAL OF MINUTES

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

September 3, 2008

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

* * *

Secretary

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

WEDNESDAY, OCTOBER 1, 2008

File No. 208-08 — Electrical Improvements at 1735 Lakeside Avenue, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 858-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, SEPTEMBER 25, 2008 AT 10:00 A.M., THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 209-08 — Heavy Duty Material Storage Racking at 1735 Lakeside Avenue, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 858-08,

passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, SEPTEMBER 25, 2008 AT 11:00 A.M., THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 210-08 — Loading Dock at 1735 Lakeside Avenue, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 858-08, passed by the Council of the City of Cleveland, June 9, 2008.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, SEPTEMBER 25, 2008 AT 2:00 P.M., THE DIVISION OF PRINTING AND REPRODUCTION, 1735 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.

September 17, 2008 and September 24, 2008

THURSDAY, OCTOBER 16, 2008

File No. 213-08 — Water Meter Parts, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, OCTOBER 2, 2008 AT 11:30 A.M., THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, METER CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

File No. 214-08 — Pipe Repair Couplings Group A, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, OCTOBER 2, 2008 AT 10:30 A.M., THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, METER CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

September 24, 2008 and October 1, 2008

FRIDAY, OCTOBER 17, 2008

File No. 211-08 — Purchase of Single Space Electronic Parking Meters, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 817-08, passed by the Council of the City of Cleveland, July 2, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, OCTOBER 7, 2008 AT 10:00 A.M., THE CLEVELAND CONVENTION CENTER, DIVISION OF PARKING FACILITIES, 2ND FLOOR, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 215-08 — Hydrofluosilicic Acid (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 3, 2008 AT 2:00 P.M., THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 24, 2008 and October 1, 2008

WEDNESDAY, OCTOBER 22, 2008

File No. 212-08 — Fence Installation, Maintenance and or Repair (Re-Bid), for the Division of Public Safety Administration, Department of Public Safety, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, OCTOBER 7, 2008 AT 2:00 P.M., THE CLEVELAND CITY HALL, PUBLIC SAFETY, CONFERENCE ROOM, ROOM 230, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 24, 2008 and October 1, 2008

THURSDAY, OCTOBER 23, 2008

File No. 217-08 — Decorative Post Light, Material and Installation, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 989-08, passed by the Council of the City of Cleveland, August 6, 2008.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, OCTOBER 9, 2008 AT 10:00 A.M., THE CLEVELAND PUBLIC POWER, CENTENNIAL ROOM, 1300 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.

September 24, 2008 and October 1, 2008

THURSDAY, OCTOBER 30, 2008

File No. 219-08 — Labor and Materials to Clean Insulators, Bushing and Lighting Arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance

No. 990-08, passed by the Council of the City of Cleveland, August 6, 2008.

THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, OCTOBER 15, 2008 AT 10:30 A.M., THE CLEVELAND PUBLIC POWER, CENTENNIAL ROOM, 1300 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.

September 24, 2008 and October 1, 2008

FRIDAY, OCTOBER 31, 2008

File No. 216-08 — Powdered Activated Carbon, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 10, 2008 AT 2:00 P.M., THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 218-08 — Automotive and Truck Parts and Service, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 16, 2008 AT 10:30 A.M., THE CLEVELAND PUBLIC POWER, CONFERENCE ROOM C, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 220-08 — Maintenance of Decorative and Special Lighting, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 987-08, passed by the Council of the City of Cleveland, August 6, 2008.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 17, 2008 AT 10:30 A.M., THE CLEVELAND PUBLIC POWER, CENTENNIAL ROOM, 1300 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.

September 24, 2008 and October 1, 2008

ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 1351-08,
By Council Member Sweeney (by
departmental request).**

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2009 and submit it to the County Budget

Commission as required by State Law, Chapter 5705 of the Revised Code.

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 the Council, under the provisions of Chapter 5705 of the Revised Code, after public hearings as required by law, does adopt the statements of the year 2009 requirements for the several funds of the City of Cleveland as being the budget required by state law to be submitted to the County Budget Commission, which requirements are contained in File No. 1351-08-A.

Section 2. That the Clerk of Council is directed to certify a copy of the resolution to the County Auditor of Cuyahoga County.

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

Adopted September 15, 2008.

Effective September 15, 2008.

**Res. No. 1434-08,
By Council Member Cleveland.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4643 Broadway Avenue and repealing Resolution No. 1050-08, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 4643 Broadway Avenue by Resolution No. 1050-08 adopted by the Council on July 2, 2008; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Salina Deli, DBA Broadway Deli, 4643 Broadway Avenue, Cleveland, Ohio 44127, Permanent Number 7685745-0005 be and the same is hereby withdrawn and Resolution No. 1050-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 15, 2008.

Effective September 17, 2008.

Res. No. 1435-08.

By Council Member Coats.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 13933 St. Clair Avenue and repealing Resolution No. 1233-08, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 13933 St. Clair Avenue by Resolution No. 1233-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Wilchris, Inc., DBA Christine's Lounge, 13933 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9606930 be and the same is hereby withdrawn and Resolution No. 1233-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 15, 2008.

Effective September 17, 2008.

**Res. No. 1436-08,
By Council Member Santiago.**

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 3548 Fulton Road, and repealing Resolution No. 886-08, objecting to said permit.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 3548 Fulton Road by Resolution No. 886-08 adopted by the Council on June 2, 2008; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Wilchris, Inc., DBA Christine's Lounge, 13933 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9606930 be and the same is hereby withdrawn and Resolution No. 1233-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

Adopted September 15, 2008.
Effective September 17, 2008.

Res. No. 1437-08.

By Council Member Coats.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 14045 St. Clair Avenue and repealing Resolution No. 1252-08, objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to Bill's Lounge, Inc., DBA Bill's Lounge, 14045 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 0717802 by Resolution No. 1252-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Bill's Lounge, Inc., DBA Bill's Lounge, 14045 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 0717802 be and the same is hereby withdrawn and Resolution No. 1252-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 15, 2008.
Effective September 17, 2008.

Res. No. 1438-08.

By Council Member Coats.

An emergency resolution encouraging the General Assembly of the State of Ohio to pass a bill that requires investigation and penalties against gas stations for gas-gouging.

Whereas, extreme increases in gas prices at the pump put a strain on Cleveland Citizens' finances and make budgeting difficult; and

Whereas, several local gas stations increased gas prices from \$3.49 a gallon to \$4.09 a gallon just over the last weekend; and

Whereas, other states, including Alabama, penalize gas stations for gas-gouging when they raise gas prices twenty-five cents or more; and

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

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

Section 1. That this Council hereby encourages the General Assembly of the State of Ohio to pass a bill that requires investigation of gas stations for gas-gouging whenever gas stations raise gas prices

twenty-five cents or more in a period of three days.

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

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

Adopted September 15, 2008.
Effective September 17, 2008.

Res. No. 1441-08.

By Council Member Cleveland.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 2625 East 55th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from 2625 East 55th Street, Inc., DBA E. 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9116701 to 55 Naser, Inc., DBA E. 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 2714680; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from 2625 East 55th Street, Inc., DBA E. 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9116701 to 55 Naser, Inc., DBA E. 55th Street Shell, 2625 East 55th Street, Cleveland,

Ohio 44104, Permanent Number 2714680; 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 September 15, 2008.
Effective September 17, 2008.

Ord. No. 1183-08.

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

An emergency ordinance authorizing the Director of Economic Development to amend Contract No. 66968 with the Westside Industrial Retention and Expansion Network to provide for continued and additional services under the grant.

Whereas, under Ordinance No. 537-07, passed May 7, 2007, this Council, among other things, authorized the Director of Economic Development to enter into a grant agreement with the Westside Industrial Retention and Expansion Network ("WireNet") to provide financial assistance for the administration and staffing of the Cleveland Industrial Retention Initiative in an amount not to exceed \$400,000; and

Whereas, under Ordinance No. 696-08, passed June 2, 2008, this Council authorized an amendment to Contract No. 66968 to provide for continued services through July 2008 under the grant; and

Whereas, continued services are desired until May 31, 2009; and

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

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

Section 1. That the Director of Economic Development is authorized to amend Contract No. 66968 with the Westside Industrial Retention and Expansion Network to provide for continued services under the grant until May 31, 2009.

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

Section 3. That the cost of the amendment shall not exceed \$334,000 and shall be paid from Fund No. 17 SF 652, Request Nos. 103713 and 103740.

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 September 15, 2008.
Effective September 17, 2008.

Ord. No. 1190-08.
By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more agreements with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low-income rental or lease-purchase housing through the Community Housing Development Organization Scattered Site Affordable Housing Program.

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

a municipal department; now, therefore,

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

Section 1. That the Director of Community Development is authorized to enter into one or more agreements with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low-income rental or lease-purchase housing, through the Community Housing Development Organization Scattered Site Affordable Housing Program.

Section 2. That the cost of the agreement or agreements authorized shall not exceed \$1,274,000 and shall

be paid from Fund No. 19 SF 620, Request No. 178644.

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

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

Passed September 15, 2008.
 Effective September 17, 2008.

Ord. No. 1325-08.

By Council Member Sweeney (by departmental request).

An emergency ordinance to make additional appropriations of Three Million Six Hundred Thousand Dollars (\$3,600,000) of Internal Service Funds, Two Million Three Hundred Thousand Dollars (\$2,300,000) of the Enterprise Funds, and Ninety Two Million Three Hundred Thirty Eight Thousand Eight Hundred Eleven (\$92,338,811) of Debt Service Funds.

Whereas, there remains an unappropriated balance in the various funds, the sum of Ninety Eight Million Two Hundred Thirty Eight Thousand Dollars Eight Hundred Eleven Dollars (\$98,238,811) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

INTERNAL SERVICE FUNDS	\$ 3,600,000
ENTERPRISE FUNDS	2,300,000
DEBT SERVICE FUND	92,338,811
	<hr/>
TOTAL ALL FUNDS	\$ 98,238,811

INTERNAL SERVICE FUND

DEPARTMENT OF PUBLIC SERVICE

Division of Motor Vehicle Maintenance	\$ 3,600,000
II. Other Expenses	\$ 3,600,000
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TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 3,600,000
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TOTAL INTERNAL SERVICE FUNDS	\$ 3,600,000
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ENTERPRISE FUNDS

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES

Division of Convention Center and Stadium - Stadium	\$ 2,300,000
II. Other Expenses	\$ 2,300,000
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TOTAL DEPARTMENT OF PARKS, RECREATION AND PROPERTIES	\$ 2,300,000
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TOTAL ENTERPRISE FUNDS	\$ 2,300,000
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DEBT SERVICE FUND

DEPARTMENT OF FINANCE

Sinking Fund Commission	\$ 92,338,811
III. Debt Service	\$ 92,338,811
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TOTAL DEPARTMENT OF FINANCE	\$ 92,338,811
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TOTAL DEBT SERVICE FUNDS	\$ 92,338,811
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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 upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed September 15, 2008.
 Effective September 15, 2008.

Ord. No. 1429-08.**By Council Member Zone.**

An emergency ordinance authorizing the Clerk of Council to dispense beer and wine at the Italian American Heritage Committee event in Cleveland City Council on October 6, 2008.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the Clerk of Council is hereby authorized to dispense beer and wine at the Italian American Heritage Committee event in Cleveland City Council on October 6, 2008.

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 September 15, 2008.

Effective September 17, 2008.

Ord. No. 1433-08.**By Council Member Westbrook.**

An emergency ordinance authorizing the Director of the Public Health Department to enter into an agreement with the Cleveland Animal Protective League to implement a TNR Program through the use of Ward 18 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Public Health Department enter into an agreement with the Cleveland Animal Protective League to implement a TNR Program for the public purpose of controlling the feral cat population in the city of Cleveland through the use of Ward 18 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$3,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed September 15, 2008.

Effective September 17, 2008.

Ord. No. 1439-08.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the 31st Annual "Walk of Hope", on October 4, 2008, sponsored by the Catholic Charities Disability Services and Ministries.

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 31st Annual "Walk for Hope," sponsored by the Catholic Charities Disability Services and Ministries, on October 4, 2008, leave OLA/St. Joseph Center parking lot on Kenilworth; head east on Kenilworth to W. 11th Street; turn right on W. 11th to Starkweather; turn right on Starkweather to W. 14th Street; turn right on W. 14th to Kenilworth; turn right on Kenilworth to W. 11th; turn left onto W. 11th and walk to University Road; turn right on to University and walk to W. 10th Street; turn right on to W. 10th and walk to stop sign; veer left on to Professor Avenue — staying on the right hand side of the street and walk to Jefferson; turn right on to Jefferson and walk to Starkweather — cross W. 14th to the west side of W. 14th; turn right on to W. 14th Street — cross Kenilworth and return to OLA/St. Joseph Center on the left, 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 September 15, 2008.

Effective September 17, 2008.

Ord. No. 1440-08.**By Council Member Zone.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Urban Community School to stretch banners at West 48th to West 50th off Lorain, for the period from October 9, 2008 to November 8, 2008, inclusive, publicizing their 40th anniversary.

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

a municipal department; now, therefore,

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Urban Community School to install, maintain and remove banners at West 48th to West 50th off Lorain, for the period from October 9, 2008 to November 8, 2008, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 15, 2008.

Effective September 17, 2008.

COUNCIL COMMITTEE MEETINGS

**Monday, September 22, 2008
1:30 p.m.**

Joint — Community and Economic Development Committee and Finance Committee: Present in CDED: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Coats, Westbrook, Brady, Zone, Howse, Westbrook.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Pierce Scott, Brancatelli, Zone, Westbrook, Coats, Conwell, White.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Pierce Scott, Brancatelli, Zone, Westbrook, Coats, Conwell, White.

**Wednesday, September 24, 2008
10:00 a.m.**

Public Safety Committee: Present: Conwell, Chair; Brady, Vice Chair; Mitchell, Polensek, Coats, Kelley, Cummins, Santiago.

1:30 p.m.

Public Utilities Committee: Present: Zone, Chair; Reed, Vice Chair; Cleveland, Polensek, Cummins, Keane, Kelley, Westbrook, Santiago.

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O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

Bold type in sections indicates amendments

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Ward 17

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