

# The City Record

Official Publication of the Council of the City of Cleveland



September the Twenty-Sixth, Two Thousand and Seven

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Emily Lipovan**  
City Clerk, Clerk of Council

Ward	Name
1	Nina Turner
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Martin J. Keane

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
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	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1136 East 98th Street	44108
9	Kevin Conwell.....	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	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 – Emily Lipovan, 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  
 Tracy Y. Martin, 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 Bahur, Commissioner  
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC SERVICE** – Jomarjie 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** – Brian A. Reilly, 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 Jomarjie 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; Councilman Nina Turner.

**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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 94

WEDNESDAY, SEPTEMBER 26, 2007

No. 4894

## CITY COUNCIL

MONDAY, SEPTEMBER 24, 2007

### The City Record

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Address all communications to

**EMILY LIPOVAN**

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, Turner.

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

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

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

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, 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, Lewis, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

#### WEDNESDAY—Alternating

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

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

#### 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, Keane, Lewis, 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; Britt, Kelley, Pierce Scott, Santiago, Sweeney, White.

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 24, 2007

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

Council Members present: Brady, Cleveland, Coats, Cummins, Johnson, Keane, Kelley, Polensek, Reed, Santiago, Pierce Scott, Sweeney, Turner, Westbrook, White and Zone.

Also present were Mayor Frank Jackson; Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valarie J. McCall, Chief of Government Affairs; and Directors Triozzi, Dumas, Smith, Wasik, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Reilly, Fumich, Griffin, Brown, Acting Director Withers, and Teresa Stevenson, Special Assistant to the Mayor for Legislative Affairs.

Pursuant to Ordinance No. 2926-76, a prayer was offered by Pastor Andrew Edwards, Ph.D. of Fellowship Missionary Baptist Church, located in Ward 7. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

**File No. 1577-07.**

September 19, 2007

Charlene Berry  
Chief Legislative Secretary  
Cleveland City Council  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Dear Ms. Berry:

During the absence of Clerk Emily Lipovan, from September 20, 2007 through October 1, 2007, you are hereby requested to serve as Clerk of Council Pro Tempore for the purposes of any and all Council meetings and to sign any documents requiring the Clerk's signature.

Your assistance is appreciated.

Sincerely,  
Martin J. Sweeney,  
Council President

Received.

**File No. 1578-07.**

From the Cleveland Public Library — Director's report, September 20, 2007. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

**File No. 1579-07.**

Re: New Application — 9133769 — Usafa II LLC, d.b.a. Bricco, 1438 Euclid Avenue & 2037 East 14th Street, first floor and second floor. (Ward 13). Received.

**File No. 1580-07.**

Re: Transfer of Ownership Application — 55641800025 — Marriott Hotel Services, Inc., d.b.a. Cleveland Airport Marriott, 4277 West 150th Street. (Ward 20). Received.

**File No. 1581-07.**

Re: Transfer of Ownership Application — 8970232 — Kevin M. Tarquinio, d.b.a. Forest City Cafe, 3640 Independence Road. (Ward 12). Received.

**File No. 1582-07.**

Re: Transfer of Ownership Application — 1525480 — Clark Mart Corp., d.b.a. Clark Sunoco, 3726 Clark Avenue. (Ward 14). Received.

**File No. 1583-07.**

Re: Transfer of Ownership and Location Application — 1557204 — Clifton W. 117th LLC, d.b.a. City Place, 11636 Clifton Boulevard. (Ward 18). Received.

**File No. 1584-07.**

Re: Transfer of Ownership and Location Application — 9123846 — 230 West Huron LLC, d.b.a. Tower 230, 230 W. Huron Road, unit 100.12 Levels 2 & 3. (Ward 13). Received.

**File No. 1585-07.**

Re: Transfer of Ownership and Location Application — 9119284 — Ty Fun Thai Bistro, Inc., 815 Jefferson Avenue. (Ward 13). Received.

**STATEMENT OF WORK  
ACCEPTED**

**File No. 1586-07.**

From the Department of Public Service — Contract No. 65701, Sixth Floor Justice Center & District Jails Renovations. Received.

**File No. 1587-07.**

From the Department of Public Service — Contract No. 65903, Kingsbury Road Fence Project. Received.

**OATH OF OFFICE****File No. 1588-07.**

Barry A. Withers — oath of office — Interim Director, Department of Public Utilities. Received.

**File No. 1589-07.**

James F. Danek — oath of office — Secretary to the Director — Assistant Director, City Planning Commission. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1590-07**—Charlotte Jean Kelly.

**Res. No. 1591-07**—Henry William Smith.

**Res. No. 1592-07**—Calvin V. Garrett.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 1593-07** — Professor Harvey A. Feldman.

**Res. No. 1594-07**—Lt. Colonel Robert Hudson.

**Res. No. 1595-07** — Reverend William E. Sanders.

**Res. No. 1596-07** — Pastor James Walden.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 1597-07** — Peter A. Carfagna.

**Res. No. 1598-07** — Patrol Officer James Hummel.

**Res. No. 1599-07** — Yoruba Parapo of Northeast Ohio.

**Res. No. 1600-07**—Madison Avenue Baptist Church.

**APPRECIATION RESOLUTION**

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

**Res. No. 1601-07**—Dr. A. Charles Bowie.

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**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 1567-07.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into new or amended water service agreements with the City of East Cleveland for the purpose of transitioning East Cleveland from a Master Meter Community to a Direct Service Community; to authorize the Director of Public Utilities to enter into contracts to reimburse East Cleveland or to receive reimbursement from East Cleveland for various services related to the transition for a period not to exceed one year; to approve rates and charges for water service and to amend Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 778-06, passed June 5, 2006, relating to water service rates, fees, and charges; and authorizing the Director of Public Utilities to enter into contract with the City of Cleveland Heights for provision of Cleveland water service through Cleveland Heights' distribution system.**

Whereas, the Division of Water currently provides water service to the City of East Cleveland under Master Meter Water Service Agreement No. 32140, entered into between the parties as of August 1, 1983; and

Whereas, the City of East Cleveland desires to transition to a Direct Service water service arrangement and the City of Cleveland is agreeable to the transition; 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.** The Director of Public Utilities is authorized to enter into new or amended water service agreements with the City of East Cleveland in order to transition East Cleveland from a Master Meter Community to a Direct Service Community, including the provision of terms and conditions necessary to effect an efficient and successful transition between water systems, and in accordance with Section 5 of Ordinance No. 778-06, passed by the Council of the City of Cleveland on June 5, 2006, related to the acceptance of ownership of the Distribution Assets of Direct Service Communities. The Director of Public Utilities and the Director of Law are authorized to execute related documents and agreements as may be necessary to accomplish the transition of the City of East Cleveland from a Master Meter Community to a Direct Service Community and to accomplish the transfer of the Distribution Assets of the East Cleveland water system.

**Section 2.** That the Director of Public Utilities is authorized to enter into contract or contracts to reimburse East Cleveland or to receive reimbursement from East Cleveland for various services performed during and after the transition, including meter reading and pipe repair, for a period not to exceed one year from the effective date of the agreements contained in Section 1 of this ordinance. In the event that the City of Cleveland will need to reimburse East Cleveland, reimbursement shall be paid from Fund No. 52 SF 001, Request No. 163225.

**Section 3.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of the City of Cleveland, the Director of Public Utilities is authorized to execute on behalf of Cleveland all necessary documents to acquire the Distribution Assets or any interests in real estate containing the Distribution Assets, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of Distribution Assets and interests in real estate.

**Section 4.** That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control by Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_ are approved.

**Section 5.** That Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 778-06, passed June 5, 2006, is amended to read as follows:

**Section 535.04 Water Rates**

(a) Water Rates

**Water Rate Schedule  
(Expressed in Dollars)  
Cleveland**

<b>Description</b>	<b>Block</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Regular Rates	1st MCF	min. 8.71	9.62	10.63	11.59	12.58
	Additional MCFs	18.62	20.57	22.73	24.78	26.90
Homestead Rates	All MCFs	3.87	4.27	4.72	5.15	5.59
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

[Beginning 2007, there shall be no minimum usage charge for water consumption]

**Direct Service Suburbs  
Low 1st High Service**

Regular Rates	1st MCF min.	min. 15.50	16.35	17.54	18.54	19.50
	Additional MCFs	33.08	34.97	37.50	39.65	41.70
Homestead Rates	All MCFs	6.77	7.26	7.79	8.24	8.66
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

**2nd High Service**

Regular Rates	1st MCF	min. 17.88	18.76	20.20	21.44	22.64
	Additional MCFs	38.96	40.11	43.19	45.84	48.42
Homestead Rates	All MCFs	8.76	8.33	8.97	9.53	10.06
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

**3rd High Service  
(Summit County, all; Medina County, all; Geauga County, all)**

Regular Rates	1st MCF	min. 20.93	21.55	23.17	24.57	25.91
	Additional MCFs	44.73	46.08	49.55	52.53	55.41
Homestead Rates	All MCFs	11.09	9.56	10.29	10.92	11.52
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

[Beginning 2007, there shall be no minimum usage charge for water consumption]

**East Cleveland**

**Low 1st High Service**

<b>Description</b>		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Regular Rates	1st MCF	27.00	27.00	27.00	27.00	27.00
	Additional MCFs	46.00	46.00	46.00	47.00	47.00
Homestead Rate	All MCFs	27.00	25.00	23.00	20.00	17.00
Quarterly Service Charge	All Accounts	7.00	7.00	7.00	7.00	7.00

**East Cleveland**

**2nd High Service**

<b>Description</b>		<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Regular Rates	1st MCF	32.00	31.00	30.00	29.00	28.00
	Additional MCFs	47.00	48.00	50.00	51.00	53.00
Homestead Rate	All MCFs	30.00	27.00	24.00	21.00	18.00
Quarterly Service Charge	All Accounts	7.00	7.00	7.00	7.00	7.00

**Master Meter (All MCFs)**

<b>Description</b>	<b>Block</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Bedford	2nd High	25.58	26.40	28.44	30.19	31.90
Chagrin Falls	3rd High	29.05	29.94	32.24	34.21	36.12
Cleveland Heights	2nd High	25.18	26.00	28.04	29.79	31.50
East Cleveland	Low/1st High	21.75	23.00	24.68	26.10	27.46
Lakewood	Low/1st High	21.75	23.00	24.68	26.10	27.46
Geauga County	3rd High	31.65	32.54	34.84	36.81	38.72

**Emergency Standby (All MCFs)**

<b>Description</b>	<b>Block</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Berea		27.31	30.16	33.33	36.33	39.44
Lake County		26.56	29.33	32.41	35.34	38.36
Lorain County		27.31	30.16	33.33	36.33	39.44
North Ridgeville		21.75	24.02	26.54	28.94	31.41
Medina County		31.65	34.96	38.63	42.12	45.72
Summit County		31.65	34.96	38.63	42.12	45.72
Hudson Village		31.65	34.96	38.63	42.12	45.72
Portage County		31.65	34.96	38.63	42.12	45.72

1 MCF = approximately 7,500 gallons

[All rates are effective on January 1 of each year.]

(b) *For Master Meter communities.* All bills for water furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) *Rates for Standby Emergency Water Service.* The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

(d) *Large Industrial Customers.* All water used in excess of 62,500,000 cubic feet during a three month billing period shall be charged at a rate of seventy-five percent (75%) of the rate prescribed in this section for water used in excess of one thousand (1,000) cubic feet.

(e) *Customers supplied from more than one service district.* Customers with premises supplied with water from more than one service district shall be billed at the rate for the service district from which the predominant quantity of water is supplied.

**Section 6.** That existing Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 778-06, passed June 5, 2006, is repealed.

**Section 7.** That the Director of Public Utilities is authorized to enter into a contract or contracts with the City of Cleveland Heights, a Master Meter customer of the Division of Water, relative to providing Cleveland water service through Cleveland Heights' water distribution system to isolated pockets of East Cleveland that are otherwise difficult for the Division of Water to serve, including the provision of wheeling/transmission charges to be issued as a credit to Cleveland Heights' Master Meter water bills.

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

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

**Ord. No. 1568-07.**

**By Council Members Brady and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide independent appraisals, relocation services, project design and other reviews of various ODOT-assisted public improvement projects that involve the acquisition of easements and/or rights-of-way.**

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 Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide independent appraisals, relocation services, project design and other reviews for the following ODOT-assisted public improvement projects that involve the acquisition of easements and/or rights-of-way: East 93rd Street Bridge; West 77th Street Bridge; Aetna Road Bridge; and Bessemer Avenue Phase 2.

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

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, and 20 SF 510, Request No. 171995.

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

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

**Ord. No. 1569-07.**

**By Council Members Conwell and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ben Roethlisberger Foundation for the Cleveland Police Canine Unit Program.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$16,310.00, and any other funds that may become available during the grant term from the Ben Roethlisberger Foundation to conduct the Cleveland Police Canine Unit Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the letter of inquiry for the grant contained in the file described below.

**Section 2.** That the letter of inquiry for the grant, File No. 1569-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

**Ord. No. 1570-07.**

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

**An emergency ordinance to amend Section 2 of Ordinance No. 747-07, passed May 7, 2007, relating to a contract with Friends of the Historic Variety Theatre, Inc. to provide assistance to partially finance project costs associated with the acquisition, capital reserves, and maintenance of property located at 11816-11824 Lorain Avenue.**

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

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

**Section 1.** That Section 2 of Ordinance No. 747-07, passed May 7, 2007, is amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 747-07-B, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 2.** That existing Section 2 of Ordinance No. 747-07, passed May 7, 2007, is repealed.

**Section 3.** That this ordinance is declared to be an emergency mea-

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

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

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

**Ord. No. 1572-07.**

**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the 2007 Tremont Walk for Chernobyl on September 29, 2007, to benefit the Children of Chernobyl Relief and Development Fund.**

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 the City of Cleveland, 1976, this Council consents to and approves the holding of the 2007 Tremont Walk for Chernobyl on September 29, 2007, with the walk beginning at Lincoln Park and progressing west down Kenilworth Avenue to Scranton, south on Scranton to Clark Avenue, then east on Clark Avenue to West 14th, north on West 14th to Starkweather, then east on Starkweather bearing northeast on Jefferson, southeast at Professor Street, east at Starkweather, then northwest at West 7th Street to College, southwest on College then northwest on Professor, then southwest on Literary, north on West 11th Street, west at Fairfield, south on West 14th across Kenilworth to the finish at Lincoln Park. The applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of the City of Cleveland, 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 a 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1573-07.****By Council Member Zone.****An emergency ordinance authorizing the Clerk of Council to dispense beer and wine at an event in Cleveland City Council on October 1, 2007.**

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 an event in Cleveland City Council on October 1, 2007.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Council Member Britt entered the Meeting.

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED****Res. No. 1571-07.**

**By Mayor Jackson and Council Members Pierce Scott, Sweeney, Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Johnson, Keane, Kelley, Lewis, Polensek, Reed, Santiago, Turner, Westbrook, White and Zone (by departmental request).**

**An emergency resolution supporting The Ohio Coalition for Responsible Lending in its effort to encourage Ohio legislators to adopt legislation to help protect consumers from high cost payday loans.**

Whereas, Ohio working families pay millions of dollars in excessive fees every year, as payday lenders across the state routinely flip small cash advances into long-term, high-cost loans with an annual percentage rate ("APR") up to 391 percent; and

Whereas, the average payday borrower is getting 13 or more payday loans per year, putting them in a financial debt trap; and

Whereas, the average payday borrower pays \$600 to borrow \$325 through repeat borrowing; and

Whereas, payday lending traps several hundred thousand Ohio families annually in a cycle of chronic borrowing, as over half of payday revenues are extracted from borrowers who take out 12 or more loans per year; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that The Coalition for Responsible Lending

seeks to make fair and just lending practices by small lenders a reality for all Ohio cities by encouraging state legislators to adopt legislation to help protect consumers from high cost payday loans; now, therefore,

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

**Section 1.** That this Council opposes the unfair lending practices within the payday loan industry in the State of Ohio.

**Section 2.** That this Council urges the Ohio General Assembly to adopt legislation to protect all Ohio residents from these unfair lending practices by establishing a rate cap for payday and small loan lending at an APR of 36% and other measures to break the cycle of chronic borrowing that payday lending creates.

**Section 3.** That this Council supports The Ohio Coalition for Responsible Lending and its goals and endorses its campaign for just legislation.

**Section 4.** That the Clerk of Council is authorized and directed to provide a copy of this resolution to the Ohio Coalition for Responsible Lending and the Cuyahoga County delegation to the Ohio General Assembly.

**Section 5.** 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1574-07.****By Council Member Cimperman.**

**An emergency resolution withdrawing objections to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1146 Old River Road, and repealing Resolution Nos. 1406-06 and 1151-07, objecting to said renewals.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 1146 Old River Road, DBA Beachcombers in the Flats, 1146 Old River Road, Cleveland, Ohio 44114 by Resolution No. 1406-06 adopted by the Council on August 9, 2006 and Resolution No. 1151-07 adopted by the Council on July 11, 2007; and

Whereas, this Council wishes to withdraw its objections 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 objections to a D1, D2, D3, D3A and D6 Liquor Permit to 1146 Old River Road, DBA Beachcombers in the Flats, 1146 Old River Road, Cleveland, Ohio 44114, Permanent Number 6549278

be and the same is hereby withdrawn and Resolution Nos. 1406-06 and 1151-07, containing such objections, 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1575-07.****By Council Member Turner.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14720 Harvard Avenue, and repealing Resolution No. 1108-07 objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit at 14720 Harvard Avenue by Resolution No. 1108-07 adopted by the Council on July 11, 2007; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to 14720 Harvard, Inc., DBA Harvard Deli, 14720 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 6549673 be and the same is hereby withdrawn and Resolution No. 1108-07, 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1576-07.****By Council Member White.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3643 East 116th Street and repealing Resolution No. 1103-07, objecting to said renewal.**



Whereas, this Council objected to a C2 and C2X Liquor Permit to Rana Quraan, Inc., DBA Nadia's, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 by Resolution No. 1103-07 adopted by the Council on July 11, 2007; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Rana Quraan, Inc., DBA Nadia's, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 be and the same is hereby withdrawn and Resolution No. 1103-07, 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Council Member Conwell entered the Meeting.

## SECOND READING EMERGENCY ORDINANCES PASSED

### Ord. No. 1234-07.

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

An emergency ordinance determining the Video Service Provider Fees to be paid by a video service provider offering video service in the City of Cleveland pursuant to state authorization; and authorizing the Director of Public Utilities to give notice to authorized video service providers of the Video Service Provider Fees.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

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

### Ord. No. 1236-07.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Motorola for equipment and supplies to operate the radio system and its subscriber units, including equipment, installation and maintenance, for the Department of

Public Utilities, for a period not to exceed two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

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

### Ord. No. 1237-07.

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

An emergency ordinance authorizing the purchase by one or more contracts of one customized production truck for TV-23, for the Department of Public Utilities.

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

1. In Section 2, line 3, strike "Public Utilities of" and insert "of Public Utilities".

Amendment agreed to.

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

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

### Ord. No. 1238-07.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with Surface Systems, Inc. to upgrade the existing surface sensor system, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

### Ord. No. 1239-07.

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 provide professional services necessary to provide drawings of the existing and proposed Airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration, and to update drawings as required, for a period of two years with two one-year options to renew.

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

1. In Section 1, strike line 8 in its entirety and insert "with two one-year options to renew. The first of the one-year options to renew shall not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year

options to renew is exercised, then the second of the one-year options to renew shall be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council."

2. In Section 2, line 1, after "shall" insert "not exceed \$75,000 and shall".

Amendments agreed to.

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

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

### Ord. No. 1240-07.

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

An emergency ordinance authorizing the Director of Port Control to enter into a license agreement with the Sensis Corporation granting access to portions of Cleveland Hopkins International Airport and Burke Lakefront Airport for the purpose of installing, operating, maintaining, repairing, and replacing equipment to conduct research relating to the Next Generation Air Traffic System, for a period of eighteen months, with one option to renew for an additional one-year term.

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

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

### Ord. No. 1241-07.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more amendments to Contract No. 66178 with Era Systems Corporation to conduct additional noise monitoring system software upgrades and maintenance.

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 3, strike "Request No. 150594" and insert "**60 SF 119, from the fund or subfunds to which are credited the proceeds of any grants, and passenger facility charges, if issued for this purpose, Request No. 168425.**"

Amendment agreed to.

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

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

### Ord. No. 1243-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of LED bulbs, for the Division of Traffic Engineering, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1244-07.**

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

An emergency ordinance authorizing the Director of Public Service to enter into a property adoption agreement with Midtown Cleveland, Inc., to provide lighting, maintenance, landscaping, and other fixtures to property located at the southeast corner of Euclid Avenue and East 55th Street.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

**Ord. No. 1255-07.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ a management firms to provide managerial services for the daily operations of the roller skating rink located within Zelma Watson George Recreation Center and the concession services of the center, for a period of five years with an option to renew for five one-year terms.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

**Ord. No. 1397-07.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various materials, equipment, supplies, and services necessary to improve and update computers, e-mail service, and for server consolidation and remote e-mail access; and authorizing the Director of Finance to employ one or more professional consultants to implement those projects, for the Division of Information Technology and Services, Department of Finance, for a period up to two years.

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

1. In Section 2, line 1, after "shall be" insert "**paid from Fund No. 20 SF 509 and shall be**".

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legisla-

tion was furnished to each member of Council before final passage.

**Ord. No. 1398-07.**

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 2007 financial statements, and to complete two statements of Auditing Standards for the Divisions of Water and Taxation; and authorizing the Director of Finance to employ one or more professional consultants 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1417-07.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 1465-67 East 55th Street to Ozanne Construction Company, Inc., or its designee.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

**LAID ON THE TABLE**

**Res. No. 1174-07.**

By Council Members Polensek, Reed, Cummins, Conwell, Brancatelli, Lewis.

An emergency resolution urging the Cuyahoga County Commissioners to put their intended 1/4 cent sales tax increase up for a vote in an upcoming general election in order for voters to determine whether the increase should be imposed.

Without objection, Resolution No. 1174-07 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Resolution No. 1174-07 laid on the table.

**MOTION**

By Council Member Cleveland, seconded by Council Member Britt, and unanimously carried that the absence of Council Members Anthony Brancatelli, Joe Cimperman and Fannie M. Lewis be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:30 p.m. to meet on Monday, October 1, 2007, at 7:00 p.m. in the Council Chambers.



Charlene Berry  
City Clerk, Clerk of Council  
Pro Tempore

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

September 19, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 19, 2007, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Absent: Mayor Jackson and Director Guzman.

Others: Jim 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. 522-07.**

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of September, 2007 in the amount of \$31,653.96 attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 523-07.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Airgas Great Lakes, for an estimated quantity of commercial gases, all items, for the various divisions of City government, for the period

of one year beginning with the date of execution of a contract, received on August 10, 2007, under the authority of Ordinance No. 881-07, passed on June 11, 2007, which on the basis of the estimated quantity would amount to \$82,860.28, 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 Nos.  
175418 — \$1,500.00  
162214 — \$2,700.00

which shall be certified against the contract in the sum of \$4,200.00.

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, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 524-07.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Jeter Systems Corporation for an estimated quantity of: Criminal and Civil filing system, all items, for the Department of Finance, on behalf of the Cleveland Municipal Court, for the period of one year beginning with the date of execution of a contract, with a one year option to renew, received on August 3, 2007 under the authority of Ordinance No. 773-07, passed on June 4, 2007, which on the basis of the estimated quantity would amount to \$80,932.50, 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. 143854

which shall be certified against such contract in the sum of \$80,932.50.

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

Be it further resolved that that under Section 181.25(a) of the Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by Jeter Systems Corporation in the amount of \$4,046.18, which is less than ten percent (10%) of the required amount under the provisions of Section

181.24 C.O., is waived for the reason that such waiver is in the public interest.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 525-07.**

By Interim Director Withers.

Whereas, under the authority of Ordinance No. 597-03, passed by the Council of the City of Cleveland on July 16, 2003, and Resolution No. 468-06, adopted on October 18, 2006, the Director of Public Utilities entered into City Contract No. 66487 with Ralph C. Tyler, P.E., P.S., Inc. to provide professional design services for Phase II of the Renovation of Water Pollution Control Building for the Department of Public Utilities, Division of Water Pollution Control; and

Whereas, the City has determined the addition of a Standby Generator, Re-design of the existing Boiler Room to meet state code and the Layout/Re-arrangement of the Auditorium are needed for this project; and

Whereas, Ralph C. Tyler, P.E., P.S., Inc. has proposed to perform the necessary additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a first modification to City Contract No. 66487 with Ralph C. Tyler, P.E., P.S., Inc., on the basis of Ralph C. Tyler, P.E., P.S., Inc.'s August 9, 2007 and August 21, 2007 proposals, for the above-mentioned additional services and increasing the dollar amount of the contract by \$35,346.00 to \$268,220.00.

Be it further resolved, that the Director of Public Utilities is authorized to execute all documents and to do all things necessary to effect the first modification to Contract No. 66487 authorized above.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 526-07.**

By Interim Director Withers.

Whereas, Resolution No. 434-07, adopted August 8, 2007, under the authority of Ordinance No. 1105-06, passed October 30, 2006, approved the firm, Creative Works, for professional services necessary to perform research, writing, creative design, photography, artwork, layout, preparation of camera-ready artwork and offset lithographic reproduction of the 2006 and 2007 Annual Reports for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, Creative Works desires to add two additional subcontractors for the abovementioned contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the following subcontractors to Creative Works under the contract authorized by Resolution No. 434-07, adopted August 8, 2007, under the authority of Ordinance No. 1105-06, passed October 30, 2006, for professional services necessary for the 2006-2007 Annual Reports for the Division of Cleveland Public Power are approved:

**SUBCONTRACTORS**

The Fernway Company (FBE)  
\$5,000.00 - 14.22 % of contract amount

Phil Vedda & Sons, Inc.  
\$6,200.00 - 7.64 % of contract amount

Be it further resolved, that all other provisions of Resolution No. 434-07 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 527-07.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 147-07, adopted March 28, 2007, under the authority of Ordinance No. 1520-02, passed by the Council of the City of Cleveland on October 21, 2002, as amended by Ordinance No. 1628-06, passed October 30, 2006, approving Nerone & Sons, Inc. for the public improvement of the Distribution System - Water Quality Monitoring System - Phase 1, for the Division of Water, Department of Public Utilities, is amended by deleting the subcontractor Timeline Photography (FBE) \$2,500.00 (0.40%) and substituting Timeline Photography (FBE) \$4,000.00 (0.64%).

Be it further resolved that all other provisions of Resolution No. 147-07 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 528-07.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Utilicon Corp. under Contract No. 65604 for cleaning and cement mortar lining of distribution mains-area 2006-A, for the Division of Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
Mctech Corp., d.b.a.	
Tech Ready Mix (MBE)	\$160,215.00 5.55%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 529-07.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Utilicon Corp. under Contract No. 65605 for cleaning and cement mortar lining of distribution mains-area 2006-B, for the Division of Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
Mctech Corp., d.b.a.	
Tech Ready Mix (MBE)	\$154,609.00 6.17%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 530-07.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Town Center Construction, LLC, for the public improvement of Water Pollution Control Building Phase III - Inter Office Addition, (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on August 3, 2007, under the authority of Ordinance No. 597-03, passed July 16, 2003, upon a unit basis for the improvement, in the aggregate amount of \$545,050.00 is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Town Center Construction, LLC for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u> <u>MBE/FBE</u>	<u>WORK</u>
LDH Painting, Ltd.	
MBE	\$ 10,500.00 (1.93 %)
Advanced Plumbing	\$ 24,800.00 (4.55 %)
Northbrooke Tile	\$ 2,900.00 (.53 %)
Cleveland Custom Steel	\$ 33,994.00 (6.24 %)
Cleveland Vicon	\$ 9,950.00 (1.82 %)
Hunter Masonry	\$ 41,400.00 (7.60 %)
Gratton Building Specialties	\$ 984.00 (.18 %)
Eagle Fab	\$108,104.00 (19.83 %)

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 531-07.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Branch Group Inc., d.b.a. Rexel for an estimated quantity of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances, Option 2, items 2.001-2.410 and 2.412-2.560, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on July 27, 2007, under the authority of Ordinance No. 1256-06, passed October 30, 2006, which on the basis of the estimated quantity would amount to \$200,000.00 (0%, 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 labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163212 which shall be certified against such contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 532-07.**

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 labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances, Option 2, items 3.001-3.055, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on July 27, 2007, under the authority of Ordinance No. 1256-06, passed October 30, 2006, which on the basis of the estimated quantity would amount to \$200,000.00 (.5%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a require-

ment contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163213 which shall be certified against such contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 533-07.**

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Southern Electric Supply, d.b.a. Rexel Duellman for an estimated quantity of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances, Option 2, items 4.001-4.019, 4.02, 4.021-4.051, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on July 27, 2007 under the authority of Ordinance No. 1256-06, passed October 30, 2006, which on the basis of the estimated quantity would amount to \$200,000.00 (2%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163215 which shall be certified against such contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 534-07.**

By Interim Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on July 27, 2007, for an estimated quantity of labor and

materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances, Option 1, all items and Option 2, items 1-all items, 2,411, 6-all items and 7-all items, for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 1256-06, passed October 30, 2006, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 535-07.**

By Director Smith.

Whereas, Ordinances No. 1635-06, passed by the Council of the City of Cleveland on October 9, 2006, and Board of Control Resolutions No. 417-07, adopted July 25, 2007, authorized the City, through its Director of Port Control, to enter into a contract with Jance & Company, Inc. for the public improvement of constructing Phase II of the Consolidated Maintenance Facility at Cleveland Hopkins International Airport; and

Whereas, Resolution No. 417-07, adopted July 25, 2007, incorrectly approved Items A-6 and A-15 and incorrectly stated the total amount of compensation for services under the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that paragraph one of Resolution No. 417-07, adopted July 25, 2007, is amended by deleting Items A-6 and A-15 and by changing the compensation amount statement from "the aggregate amount of \$706,725.00" to "the aggregate amount of \$675,400.00".

Be it further resolved that all other terms of Resolution No. 417-07 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 536-07.**

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland, that all bids received on August 15, 2007 for Galion-Dresser Komatsu and Blaw Knox paver construction equipment parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, under the authority of Ordinance number 501-06, passed by the Council of the City of Cleveland on May 1, 2006, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 537-07.**

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland, that all bids received on August 16, 2007, for hydraulic pumps, motor and valve repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 538-07.**

By Director Carroll.

Whereas, Board of Control Resolution No. 489-07, adopted August 29, 2007, under authority of Ordinance No. 684-06, passed by the Council of the City of Cleveland June 4, 2007, approved Ace Away Pest Control DBA Animal Man Wildlife for an estimated quantity nuisance animal trapping in the amount of \$43,600.00 for the Division of Environment and

Whereas, the Division of Purchase and Supplies has discovered that Ace Away Pest Control DBA Animal Man Wildlife has an alternate name and is requiring the Division of Environment to amend resolution 489-07 to make the name change; and

Whereas, Ace Away Pest Control DBA Animal Man Wildlife shall now be known as Joseph Toney DBA Ace Away Pest Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 489-07 adopted on August 29, 2007 under authority of Ordinance No. 684-06, passed by the Council of the City of Cleveland June 4, 2007 approved Ace Away Pest Control DBA Animal Man Wildlife is amended by renaming Ace Away Pest Control DBA Animal Man Wildlife to Joseph Toney DBA Ace Away Pest Control.

Be it further resolved that all other provision of said Resolution No. 489-07 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 539-07.**

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Van Curen Services, Inc. for an estimated quantity of Urban Forestry Tree removal Services (all items) for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed one year beginning with the date of execution of a contract, received on August 8, 2007, under the authority of Ordinance No. 784-07, passed June 4, 2007, which on the basis of the

estimated quantity would amount to \$262,170, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for the services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 159059

which shall be certified against the contract in the sum of \$200,000.00.

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

Be it further resolved that the employment of the following subcontractor is approved:

<u>NAME</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Integrated Business Supplies, FBE	\$4,000.00	.31%
Samsel Supply, FBE	\$2,500.00	.19%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Guzman.

**Resolution No. 540-07.**

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Licursi Company, Inc., for an estimated quantity of Urban Forestry Tree Planting Services for the base items 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 28, 29, 30, 31, 33, 34, 36, 37, 38, 39, 41, 42, 44, 45, 46, 49, 50, and 52, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed one year beginning with the date of execution of a contract, received on August 8, 2007, under the authority of Ordinance No. 784-07, passed June 4, 2007, which on the basis of the estimated quantity would amount to \$73,205.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for the services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 178801

which shall be certified against the contract in the sum of \$60,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the City's requirements for the services, whether more or less than the estimated quantity, as may be ordered

under subsequent requisitions separately certified against the contract.

Be it further resolved that the employment of the following subcontractor is approved:

<u>NAME</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Caver Brothers, MBE	\$21,967.00	25%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

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

**Resolution No. 541-07.**

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Aaron Landscaping for an estimated quantity of Urban Forestry Tree Planting Services for the base items 5, 17, 22, 27, 32, 35, 40, 43, 47, 48, 51, 53, 54, and 55, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed one year beginning with the date of execution of a contract, received on August 8, 2007, under the authority of Ordinance No. 784-07, passed June 4, 2007, which on the basis of the estimated quantity would amount to \$20,271.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for the services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 178802 which shall be certified against the contract in the sum of \$15,000.00.

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

Be it further resolved that the employment of the following subcontractor is approved:

<u>NAME</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Thomas Brothers Landscaping, MBE	\$15,248.00	15.17%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Szabo, Scott, Directors Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

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

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 8, 2007**

**9:30 A.M.**

**Calendar No. 07-187:** 4200 East 71st Street (Ward 12)

Newburgh & South Shore Railway LLC, owner, and North Coast Ferrus Supply, Inc., tenant, appeal to use as a scrap yard a five acre portion of an approximate fifty-five acre railroad yard located, in a General Industry District on the west side of East 71st Street at 4200 East 71st Street; as proposed, the yard areas used to process scrap metals are not designated nor enclosed as required and the lot abuts a Two-Family District, contrary to Section 345.04(a)(3) that requires a scrap yard to be enclosed within a minimum seven foot high, solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence, located not closer to the street line than the setback building line and not closer than fifty feet to any Residence District; and under the provisions of Section 347.06(d), the height of material shall not be piled higher than three feet above the wall or fence height enclosing the yard, provided that at any point closer than five feet, the material shall not be piled above the heights of the wall or fence; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing

material, maintained in good condition and free of debris and trash, as stated in Section 349.07(a) of the Codified Ordinances.

**Calendar No. 07-188:** 8411 Broadway Avenue (Ward 2)

Community Assessments and Treatment Services, Inc., owner, appeal to erect a 23,000 square foot, two and one-half story building to be used as a correctional halfway house for 46 residents and a substance abuse treatment facility for 48-94 outpatients, with 28 employees or staff, and to erect a new 44 space parking lot on an irregular shaped corner parcel located in split zoning between a General Retail Business District and a Semi-Industry District on the southeast corner of Broadway and Brunner Avenues at 8411 Broadway Avenue; the proposed use being subject to the provisions of Section 347.15(c) for the required approval by the Board of Zoning Appeals and as proposed being contrary to the Separation Standards and Section 347.15(d)(1) that do not permit a correctional halfway house to be established on a lot within 500 feet of a church or school; and the proposed use is adjacent to a correctional halfway house at 8415 Broadway Avenue, contrary to the separation requirement, where the use cannot be established on a lot within 2,000 feet of another such use, as stated in Section 347.15(d)(2) of the Codified Ordinances.

**Calendar No. 07-191:** 6825 Broadway Avenue (Ward 12)

Edens & Avant, owner, and Kakon Jones, lessee, appeal to establish use as a day care center in an existing one-story building, located in a General Industry District on an acreage parcel on the north side of Broadway Avenue at 6825 Broadway Avenue; the proposed use being subject to the limitations of Section 345.04 and by reference, as regulated in a Semi-Industry District and the provisions for Retail Business uses and conditions, where no building or Institutional H Occupancy Classification shall be located within 200 feet of the boundary line of an adjoining General or Unrestricted Industry District, and no existing building within 200 feet or such boundary line shall be converted or altered to any such use, except that the Board of Zoning Appeals may, in specific instances, permit such to be erected, converted or altered when the development of the immediately surrounding area is essentially residential in character, as stated in Section 345.03(b) of the Codified Ordinances.

**Calendar No. 07-192:** 4315 Marvin Avenue (Ward 14)

Antonio Lateulade, owner, appeals to install approximately 20 lineal feet of 4 foot high chain link fence in the actual front yard of a 35' x 125.50' parcel located in a Two-Family District on the south side of Marvin Avenue at 4315 Marvin Avenue; contrary to the Fence Regulations, a chain link fence is proposed and in residential districts, only ornamental fences shall be installed in actual front yards and in actual side street yards if located within 4 feet

of the side street property line. The Board of Zoning Appeals may, however, permit a chain link fence if the Board determines that such fence is common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Codified Ordinances.

**Calendar No. 07-202:** 12407 Arlington Avenue (Ward 9)

Karim Salman, owner, appeals to construct a new gas station and three retail stores proposed to be on consolidated parcels in a Local Retail Business District on the north-west corner of Arlington Avenue and East 125th Street at 12407 Arlington Avenue; the proposed gas station being subject to the limitations of Section 343.01, not permitted in a Local Retail Business District but first permitted in a General Retail Business District according to the provisions of Section 343.11(b)(1)(5) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 24, 2007**

At the meeting of the Board of Zoning Appeals on Monday, September 24, 2007, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 07-171:** 6700 Harvard Avenue

George Glyptis appealed to erect a 24 square foot free-standing sign in front of a restaurant in a General Retail Business District.

**Calendar No. 07-173:** 961-63 East 128th Street

Russell Miller appealed to enclose a second floor front porch of a two family dwelling in a Two-Family District.

**Calendar No. 07-177:** 11204 Lorain Avenue

Aziz Syed appealed to change a retail store to a barbershop in a Residence Office District.

**Calendar No. 07-184:** 495 Miller Court

Ted Sarko appealed to construct a three-story dwelling and detached garage in Two-Family District.

**Calendar No. 07-185:** 493 Miller Court

Ted Sarko appealed to construct a three-story dwelling and detached garage in a Two-Family District.

**Calendar No. 07-120:** 2033-2107 Clover Avenue

JOS Development appealed to erect five new townhouses in two separate buildings of two and three units on two consolidated parcels in a Two-Family District.

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

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

**Calendar No. 07-172:** 4462 Denison Avenue postponed to November 5, 2007.

In Executive Session on September 24, 2007, the following appeals heard by the Board on September 17, 2007 were adopted and approved:

The following appeals were **Approved:**

**Calendar No. 07-162:** 4500 West 130th Street - Parcel 1

Gary Weiss, d.b.a. BMW Realty Company appealed to establish use for wrecking and dismantling of automobiles, storage of automobiles pending wrecking or dismantling and use automobile sales on Parcel 1 of an acreage parcel in a General Industry District.

**Calendar No. 07-163:** 4500 West 130th Street - Parcel 2

Gary Weiss, d.b.a. BMW Realty Company appealed to establish use for storage of automobiles pending wrecking or dismantling on Parcel 2 of an acreage parcel in a General Industry District.

**Calendar No. 07-164:** 4500 West 130th Street - Parcel 3

Gary Weiss, d.b.a. BMW Realty Company appealed to establish use for storage of automobiles pending wrecking or dismantling on Parcel 3 of an acreage parcel in a General Industry District.

**Calendar No. 07-165:** 4614 West 130th Street - Parcel 4

Gary Weiss, d.b.a. BMW Realty Company appealed to establish use for storage of automobiles pending wrecking or dismantling on Parcel 4 of an acreage parcel in a General Industry District.

**Calendar No. 07-175:** 14009 Tuckahoe Avenue

Candace Kinsner appealed to erect a patio enclosure at the rear of a one family dwelling in a Two-Family District.

Secretary

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

Re: Report of the Meeting of September 19, 2007

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-107-07.**

RE: Appeal of Richard R. Kasouf, Inc., Owner of the Property located on the premises known as 3138-40 West 63rd Street from an ABATEMENT ORDER — FIRE CODE of the Chief of the Division of Fire, dated February 8, 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 require the Appellant to submit plans to the Building Department within thirty (30) days and to enact the plans satisfactorily within six (6) months; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher. Yeas: Messrs. Denk, Sanders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-114-07.**

RE: Appeal of Douglas Hill Investments LLC, Owner of the Three Dwelling Units Three-family Two Story Masonry Walls/Wood Floors Property located on the premises known as 10545 Lee Avenue from a 14 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated July 19, 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 ninety (90) days in which to prepare plans and obtain permits for rehabilitation of the project and to deliver to both the Building Department and the Board a schedule of completion of the abatement of the violations; the grounds must be maintained, groomed, and properly boarded during that period of time; the property is REMANDED at this time to the Department of Building and Housing for further supervision and any required further action. Motioned by Mr. Saunders and seconded by Mr. Bradley. Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

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**Docket A-116-07.**

RE: Appeal of Estate of James White, Owner of the Retail Shops, Carry-out Food Shops Two Story Masonry Property located on the premises known as 8111 Kinsman Road from a 30 DAY CONDEMNATION ORDER of the Director of the Department of Building and Housing, dated June 22, 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 ninety (90) days in which to sell or rehabilitate the property; the grounds must be maintained, groomed, and properly boarded during that period of time; the property is REMANDED at this time to the Department of Building and Housing.

ing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

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**Docket A-117-07.**

RE: Appeal of Estate of James White, Owner of the Retail Shops, Carry-out Food Shops One Story Masonry Property located on the premises known as 8105 Kinsman Road from a 30 DAY CONDEMNATION ORDER of the Director of the Department of Building and Housing, dated June 22, 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 ninety (90) days in which to sell or rehabilitate the property; the grounds must be maintained, groomed, and properly boarded during that period of time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-118-07.**

RE: Appeal of Mario A. Houston — Houston Enterprises, LLC, Owner of the Two Dwelling Units Two-family Residential Property located on the premises known as 3548 East 144th Street from a 30 DAY CONDEMNATION ORDER of the Director of the Department of Building and Housing, dated April 2, 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 complete abatement of the violations on the roof by reconstructing the roof, and ninety (90) days in which to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-120-07.**

RE: Appeal of Northern Ohio Scrap Service Corp., Tenant of the Property located on the premises known as 13600 Deise Avenue from a LETTER OF DENIAL — PERMIT APPLICATION of the Director of the Department of Building and Housing, dated August 7, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the Appellant is required to submit any response to the Board within seven (7) days; the case will be rescheduled for a later date.

\* \* \*

**Docket A-121-07.**

RE: Appeal of C.B. Truman, L.P., Owner of the Offices, Laboratories, Adult School High-Rise Property located on the premises known as 1020-1030 Euclid Avenue from a NOTICE OF VIOLATION — COMMERCIAL MAINTENANCE of the Director of the Department of Building and Housing, dated may 30, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-121-07 has been POSTPONED; to be rescheduled for October 17, 2007.

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**Docket A-128-07.**

RE: Appeal of Zaremba Avenue, LLC, Owner of the Property located on the premises known as 1211 St. Clair Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 13, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-128-07 has been POSTPONED; to be rescheduled for October 3, 2007.

\* \* \*

**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-102-07—Billie J. Linville.
- A-104-07—U.S. Bank.
- A-110-07—Rasmieh M. Albana.
- A-111-07—Victor Halm.
- A-112-07—Wilbert T. Nyamayeden-ga.
- A-119-07—Forest Bay Tower LLC.
- A-122-07—MidFirst Bank.

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 5, 2007

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**

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

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

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

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

**FRIDAY, OCTOBER 5, 2007**

**File No. 254-07 — Disposal of Catch Basin Debris**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.29 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 28, 2007 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.**

September 19, 2007 and September 26, 2007



**FRIDAY, OCTOBER 26, 2007**

**File No. 255-07 — Labor and Materials to Maintain and Repair Low-Pressure Steam Boiler System Equipment and Appurtenances, (Re-Bid)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 251-07, passed by the Council of the City of Cleveland, March 12, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 28, 2007 AT 2:30 P.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 19, 2007 and September 26, 2007

**FRIDAY, OCTOBER 12, 2007**

**File No. 256-07 — Various Paper Products and Print Services (Re-Bid)**, for Cleveland City Council, as authorized by Ordinance No. 1077-07, passed by the Council of the City of Cleveland, July 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 4, 2007 AT 1:00 P.M., CLEVELAND CITY COUNCIL, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 258-07 — Labor and Materials Necessary to Maintain Plate Trucks**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 825-07, passed by the Council of the City of Cleveland, August 8, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 5, 2007 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

September 26, 2007 and October 3, 2007

**WEDNESDAY, OCTOBER 17, 2007**

**File No. 257-07 — Microfiche and CD Rom Services (Re-Bid)**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 884-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, OCTOBER 9, 2007 AT 1:30 P.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 259-07 — Cab/Chassis with Dry Goods Van Body, Body Conversion and Technical Equipment**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1237-07, passage pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 8, 2007 AT 10:00 A.M., DIVISION OF MOTOR VEHI-

CLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

September 26, 2007 and October 3, 2007

**THURSDAY, OCTOBER 18, 2007**

**File No. 260-07 — Department of Finance Office Renovation**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2143-03, passed by the Council of the City of Cleveland, February 9, 2004.

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 AND NO CASH WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 11, 2007 AT 11:00 A.M., CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM #517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 261-07 — Office of Equal Opportunity Office Renovation**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 485-07, passed by the Council of the City of Cleveland, June 11, 2007.

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 AND NO CASH WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 11, 2007 AT 10:00 A.M., CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM #517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 26, 2007 and October 3, 2007

**FRIDAY, NOVEMBER 2, 2007**

**File No. 262-07 — Labor and Materials to Test, Evaluate, Repair or Replace Roofs and Appurtenances**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1626-06, passed by the Council of the City of Cleveland, November 20, 2006.

THERE WILL BE A **MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 12, 2007 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 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 26, 2007 and October 3, 2007

**ADOPTED RESOLUTIONS AND ORDINANCES****Res. No. 1422-07.**

**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 2008 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 for the year 2008 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. 1422-07-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 17, 2007.  
Effective September 18, 2007.

**Res. No. 1544-07.**

**By Council Member Brancatelli.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 5407 Fleet Avenue, 1st floor and basement.**

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 Titash, Inc., DBA Ghazi Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8947247 to Mona Dakdouk, DBA Gaza Market, 5407 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 1907286; 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 Titash, Inc., DBA Ghazi Market, 5407 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8947247 to Mona Dakdouk, DBA Gaza Market, 5407 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 1907286; 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 17, 2007.

Effective September 18, 2007.

**Res. No. 1545-07.**

**By Council Member Brancatelli.**

**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3795 East 71st Street, and repealing Resolution No. 1294-07, objecting to said renewal.**

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to X Driver, Inc., DBA Polish Village, 1st floor and basement, Cleveland, Ohio 44105 by Resolution No. 1294-07 adopted by the Council on August 8, 2007; 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 provid-

ing 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 D2, D2X, D3 and D3A Liquor Permit to X Driver, Inc., DBA Polish Village, 3795 East 71st Street, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 9804010 be and the same is hereby withdrawn and Resolution No. 1294-07, 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 17, 2007.

Effective September 18, 2007.

**Ord. No. 839-07.**

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

**An emergency ordinance authorizing the Mayor of the City of Cleveland and the Director of Public Safety to establish a Physicians Advisory Board to offer guidance and direction to the Divisions of Emergency Medical Service and Fire personnel in the delivery of pre-hospital care to the citizens of Cleveland.**

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

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

**Section 1.** That the City of Cleveland ("City") operates an Emergency Medical Service system ("EMS System") within its boundaries and employs or utilizes Emergency Medical Technicians and Paramedics from the Division of Emergency Medical Service and the Division of Fire to perform rescue and life support procedures within the City of Cleveland, under Chapter 135 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Section 2.** That the City desires to establish a Physicians Advisory Board to consult and advise the Director of the Department of Public Safety and recommend best practices and performance enhancement strategies, recommend education and training, and review patient care. The Board shall serve without compensation. The Board shall do the following:

a. Advise the Director of Public Safety, the Commissioner of Emergency Medical Service and the Chief of Fire on issues regarding administering emergency medical services and transporting patients to hospitals;

b. Recommend best practices and performance enhancement strategies regarding providing consistent and efficient care while administering

emergency medical services and transporting patients to hospitals to the Director of Public Safety, the Commissioner of Emergency Medical Service and the Chief of Fire;

c. Recommend education and training for appropriate personnel in order to provide consistent and efficient care while administering emergency medical services and transporting patients to hospitals;

d. Review patient care and make recommendations;

e. Identify funding sources to be used by the Department of Public Safety and the Divisions of Emergency Medical Service and Fire to further its efforts regarding these issues; and

f. Any other activities to support and improve the Department of Public Safety's efforts regarding these issues.

**Section 3.** That the City desires to associate with a Medical Director who shall be a licensed physician in the State of Ohio employed by any hospital which delivers in-hospital emergency medical services and which employs or contracts with physicians specifically for that purpose.

**Section 4.** That the City wishes to associate with a Medical Director for the purpose of providing advice and assistance to the City's Emergency Medical Service system and First Responder Program.

**Section 5.** That the Medical Director be a licensed physician in the State of Ohio who desires to provide professional services as the Department of Public Safety Medical Director for the City of Cleveland, State of Ohio.

**Section 6.** That the Physicians Advisory Board shall consist of the Medical Director serving as Co-chair, the Assistant Safety Director for Operations serving as Co-chair, two (2) Assistant Medical Directors, and not more than nine (9) Board members but not less than seven (7) Board Members.

**Section 7.** That all Board members shall be physicians active in the practice of medicine and licensed in the State of Ohio. That Board members shall be representatives from hospitals or hospital systems that routinely care for the citizens of Cleveland or citizens in other municipalities.

**Section 8.** That the Medical Director and Board members shall serve four (4) year terms.

**Section 9.** That the Medical Director and Board members shall each be appointed by and serve at the pleasure of the Mayor of the City of Cleveland, upon the recommendation of the Director of Public Safety and in accord with Section 6.

**Section 10.** That the Physicians Advisory Board shall have a secretary who shall not be a Board Member selected by the Board to keep a journal of their proceedings, and distribute the minutes of each meeting to all Board members. All Board records shall become a part of the records of the Department of Public Safety. The Secretary shall serve without compensation and at the pleasure of the Board.

**Section 11.** That the Director of Law shall assign an Assistant Director of Law to act as counsel to the Board.

**Section 12.** That the Physicians Advisory Board shall meet quarterly and at the call of one of the Co-chairs.

**Section 13.** That the Physicians Advisory Board shall adopt rules, bylaws and order of business.

**Section 14.** 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 17, 2007.

Effective September 18, 2007.

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**Ord. No. 1055-07.**  
**By Council Members Conwell and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Cuyahoga County Juvenile Court for the Cleveland Youth Community Diversion Program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$12,120, and any other funds that may become available during the grant term from the Cuyahoga County Juvenile Court to conduct the Cleveland Youth Community Diversion Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that

the funds are appropriated for the purposes described in the request for proposal and funding application for the grant contained in the file described below.

**Section 2.** That the request for proposal and funding application for the grant, File No. 1055-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed September 17, 2007.

Effective September 18, 2007.

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**Ord. No. 1056-07.**  
**By Council Members Conwell and Sweeney (by departmental request).**  
**An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 962-05, passed June 6, 2005, relating to the Director of Public Safety applying for and accepting a grant for the 2005 Urban Area Security Initiative Program and implementing contracts.**

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

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

**Section 1.** That Sections 1 and 2 of Ordinance No. 962-05, passed June 6, 2005 are amended to read as follows:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$3,900,750.65, and any other funds that may become available during the grant term, from the County of Cuyahoga to conduct the 2005 Urban Area Security Initiative ("UASI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter, spending plan, and grant agreement amendment for the grant contained in the file described below.

Section 2. That the award letter, spending plan, and grant agreement amendment for the grant, File No. 962-05-B, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

**Section 2.** That existing Sections 1 and 2 of Ordinance No. 962-05, passed June 6, 2005 are repealed.

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

Passed September 17, 2007.

Effective September 18, 2007.

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**Ord. No. 1067-07.**  
**By Council Member Cimperman.**  
**An ordinance establishing a Planned Unit Development Overlay District (PUD) on lands located on the north side of Starkweather Avenue between Professor Street and West 7th Street and changing the zoning to an RA-2 Townhouse District (Map Change No. 2236, Sheet No. 5).**

Whereas, City Architecture on behalf of Sutton Builders has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development Overlay District (PUD) on properties on the north side of Starkweather Street between Professor Street and West 7th Street and development of a PUD project to be known as Starkweather Place Development on said properties; and

Whereas, the Director of the City Planning Commission has accepted said application and has provided written notification of his acceptance of the application to the member of the Council in whose ward the proposed PUD Overlay District and PUD project are located, and said member of Council has not objected; and

Whereas, the City of Cleveland has determined that the proposed PUD Overlay District and PUD project meet the purposes and the approval standards set forth in Chapter 334 of the Codified Ordinance of Cleveland, Ohio, 1976, now, therefore;

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

**Section 1.** That the lands bounded and described as follows:

Beginning in the centerline of West 7th Street at its intersection with the centerline of University Court; Thence southeasterly along said centerline of West 7th Street to its intersection with the centerline of Starkweather Avenue;

Thence southwesterly and westerly along said centerline of Starkweather Avenue to its intersection with the southerly prolongation of the northeasterly line of a parcel of land conveyed to Eleanore T. Sonich by deed recorded in Volume 15256, Page 927 of Cuyahoga County Map Records said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 004-17-144;

Thence northwesterly along said prolongation of said northeasterly line to its intersection with the southeasterly line of a parcel of land conveyed to Ricky and Michelle Moss by deed recorded in Auditor's File Number 200503220290 of Cuyahoga County Deed Records said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 004-17-145;

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

Thence northwesterly along said northeasterly line to its intersection with the northwesterly line of said parcel so conveyed to Ricky and Michelle Moss;

Thence southwesterly along said northwesterly line to its intersection with the northeasterly line of a parcel of land conveyed to Cleveland Housing Network by deed recorded in Volume 97-0823, Page 49 of Cuyahoga County Deed Records said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 004-17-146;

Thence northwesterly along said northeasterly line to its intersection with the northwesterly line thereof;

Thence southwesterly along said northwesterly line and along its southwesterly prolongation to its intersection with the centerline of Thurman Court;

Thence southeasterly along said centerline of Thurman Court to its intersection with the centerline of Starkweather Street;

Thence westerly along said centerline of Starkweather Avenue to its intersection with the centerline of Professor Street;

Thence northwesterly along said centerline of Professor Street to its intersection with the southwesterly prolongation of the southeasterly line of a parcel of land conveyed to Sutton Builders, Inc. by deed recorded in Auditor's File Number 200412061170 said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 004-17-099;

Thence northeasterly along said prolongation of said southeasterly line and continuing along its northeasterly prolongation to a line drawn approximately 129.31 feet from and parallel to the northeasterly line of Professor Street;

Thence northwesterly along said parallel line to its intersection with the southeasterly line of a parcel of land conveyed to Jacqueline Angela Rivera by deed dated March 13, 2001 and recorded in Auditor's File Number 200103130576 said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 004-17-140;

Thence northeasterly along said southeasterly line and along its northeasterly prolongation to its intersection with the centerline of Thurman Court;

Thence southeasterly along said centerline of Thurman Court to its intersection with the westerly prolongation of the centerline of University Court;

Thence northeasterly along said centerline of University Court to its intersection with the centerline of West 7th Street and the principal place of beginning;

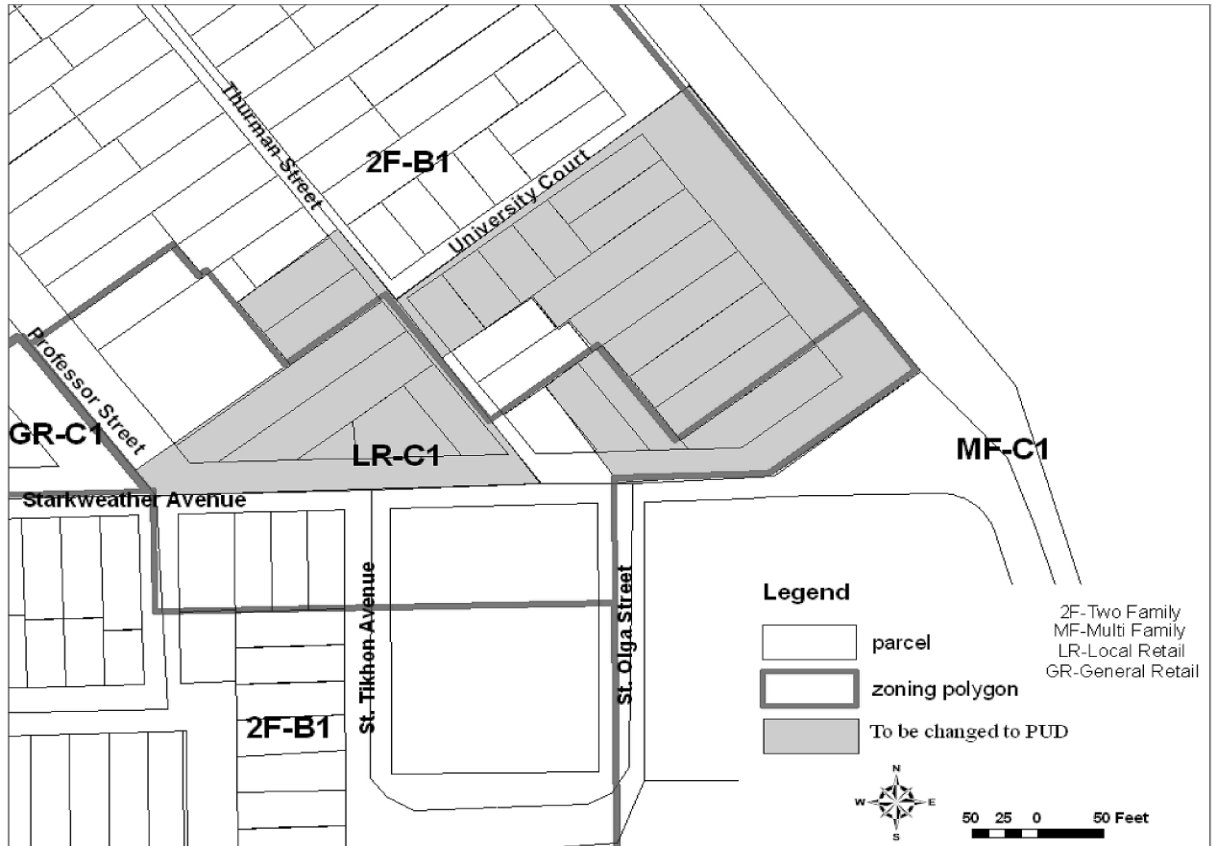
and as shaded on the attached map are hereby designated a Planned Unit Development Overlay District (PUD) in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976, and is changed to an RA-2 Townhouse District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2236, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 3.** That the PUD project depicted in the site plan contained in File No. 1067-07-A, which has been proposed for the PUD Overlay District created by Section 1 and which is to be known as Starkweather Place Development, is hereby approved.

**Section 4.** That no building permit shall be issued by the City of Cleveland for property located within the Planned Unit Development Overlay District established by this ordinance unless the building permit application conforms with the PUD project plan approved by this ordinance.

**Section 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed September 17, 2007.  
 Effective October 26, 2007.

**Ord. No. 1258-07.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an Operation and Maintenance Plan with the Ohio Environmental Protection Agency regarding the engineering control used at the Collinwood Track and Field Facility for the environmental clean-up of the property; authorizing the Mayor to place an environmental Declaration of Covenants and Restrictions on the property.

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into an Operation and Maintenance Plan (the "Plan") with the Ohio Environmental Protection Agency ("OEPA") regarding the engineering controls used at the Collinwood Track and Field Facility for the environmental clean-up of the property. The Plan will include, but will not be limited to, an agreement that the City will require the Collinwood Track and Field Facility will be used as an athletic field and that the use of the property will be restricted to "commercial/industrial" or "restricted residential."

**Section 2.** That the Mayor is authorized to place an environmental Declaration of Covenants and Restrictions on City-owned property known as the Collinwood Track and Field Facility.

**Section 3.** That the environmental Declaration of Covenants and Restrictions referred to in Section 2 shall require, among other things, that the Collinwood Track and Field Facility will be used as an athletic field and that the use of the property will be restricted to "commercial/industrial" or "restricted residential."

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

**Section 5.** That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the Plan authorized by this ordinance.

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

Passed September 17, 2007.

Effective September 18, 2007.

**Ord. No. 1261-07.**

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

An emergency ordinance authorizing the Director of Community Development to enter into contract

with Nolasco Housing Corporation, or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the acquisition of buildings and completion of renovation work, located at 1215-1249 West 70th Street.

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 a Community Development Block Grant Float Loan Agreement with Nolasco Housing Corporation, or its designee, to provide financial assistance to partially finance the acquisition of buildings and completion of renovation work, located at 1215-1249 West 70th Street.

**Section 2.** That the terms of the loan shall be determined by the Director of Community Development in accordance with Federal regulations, State and local laws, and the director is authorized to amend the terms, from time to time, as the director deems necessary to remain consistent with the laws and regulations.

**Section 3.** That the aggregate cost of the agreement shall not exceed Two Million Dollars (\$2,000,000) and shall be paid from Fund No. 14 SF 810, Request No. 178613.

**Section 4.** That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of the loan.

**Section 5.** That the Director of Community Development is authorized to accept collateral as the director deems adequate in order to secure repayment of the loan. Any and all security instrument agreements or other agreements shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 14.

**Section 7.** That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of the loan application, closing, and servicing of the loan.

**Section 8.** That the Director of Law is authorized to prepare the contract and any other documents as may be appropriate to complete the transactions.

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

Passed September 17, 2007.

Effective September 18, 2007.

**Ord. No. 1263-07.**

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

An emergency ordinance authorizing the Director of Building and Housing to apply for and accept a grant from the Board of County Commissioners of Cuyahoga County for the County Delinquent Tax and Assessment Collection Fund Grant Program; authorizing the director to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to perform nuisance abatements of deteriorated residential buildings in foreclosure, including but not limited to, demolitions, board-ups, and lot maintenance; and authorizing the purchase by one or more requirement contracts of labor and materials necessary to implement the grant.

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

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

**Section 1.** That the Director of Building and Housing is authorized to apply for and accept a grant in the amount of \$1,000,000, from the Board of County Commissioners of Cuyahoga County to conduct the County Delinquent Tax and Assessment Collection Fund Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the file for the grant described below.

**Section 2.** That a synopsis of the relevant portions of Am. Sub. HB 119, which is the authorizing state statute for this program, placed in File No. 1263-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to perform nuisance abatements, under this grant, of deteriorated residential buildings in foreclosure, including but not limited to, demolitions, board-ups, and lot maintenance.

**Section 4.** That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant term for the items of labor and materials necessary to implement this grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids

for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 5.** That the costs of the contract or contracts shall be paid from the fund or fund to which are credited the grant proceeds accepted under this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 6.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Building and Housing may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 7.** That the Director of Finance is authorized to accept monies in repayment of nuisance abatements performed under this grant, including any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Fees collected under this grant shall be deposited into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under this grant as described in the file, and the funds are appropriated for that purpose.

**Section 8.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Demolition and Board-up Programs.

**Section 9.** That the cost of any contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and from the revolving fund mentioned above.

**Section 10.** 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 17, 2007.  
Effective September 18, 2007.

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**Ord. No. 1264-07.**  
**By Council Members Cimperman and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of the City Planning Commission to apply for and**

**accept one or more grants from Northeast Ohio Area Coordinating Agency for the Transportation for Livable Communities Grant Program; authorizing the Director to enter into one or more contracts with various entities to implement the grant; and to amend Section 3 of Ordinance No. 1063-06, relating to a Transportation for Livable Communities Grant.**

Whereas, under Ordinance No. 1063-06, passed August 9, 2006, this Council authorized the Director of the City Planning Commission to apply for and accept grants from the Northeast Ohio Area Coordinating Agency ("NOACA") for the Transportation for Livable Communities Program and authorized contracts with entities to implement projects under the grants accepted by that ordinance in 2006; and

Whereas, one of the entities authorized by that ordinance was the Clark-Metro Development Corporation; and

Whereas, that entity is no longer a part of the grants authorized by Ord. No. 1063-06 under the Transportation for Livable Communities Program and should be replaced with Stockyards Redevelopment Organization; and

Whereas, in addition to the grants authorized in 2006 under Ord. No. 1063-06, new grants are available from NOACA for this year; 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 the City Planning Commission is authorized to apply for and accept one or more grants totaling \$236,000, from Northeast Ohio Area Coordinating Agency to conduct the Transportation for Livable Communities Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the application packets for the grants contained in the file described below.

**Section 2.** That the application packets for the grants, File No. 1264-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

**Section 3.** That the Director of the City Planning Commission is authorized to enter into one or more contracts or memoranda of understanding, as appropriate, with NOACA and the following entities to implement the grant as described in the file: Maingate Business Development Corporation, Glensville Community Development Corporation, Ohio Canal Corridor, Downtown Cleveland Alliance, University Circle Incorporated, Little Italy Redevelopment Corporation.

**Section 4.** That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

**Section 5.** That Section 3 of Ordinance No. 1063-06, passed August 9, 2006, is amended to read as follows:

Section 3. That the Director of the City Planning Commission is authorized to enter into one or more contracts with the following entities for technical assistance and for professional services to analyze and plan transportation improvements necessary to implement the grant: Famicos Foundation, Old Brooklyn Community Development Corporation and Stockyards Redevelopment Organization.

**Section 6.** That existing Section 3 of Ordinance No. 1063-06, passed August 9, 2006, is repealed.

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

Passed September 17, 2007.  
Effective September 18, 2007.

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**Ord. No. 1426-07.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the execution and delivery of a First Amendment to Amendment and Restatement of Cooperative Agreement in connection with the issuance of notes by the County of Cuyahoga to finance costs of construction of certain facilities for the Rock and Roll Hall of Fame and Museum consisting principally of a library and archives facility, and authorizing and approving related matters.**

Whereas, the City of Cleveland (the "City"), the County of Cuyahoga (the "County"), the Cleveland-Cuyahoga County Port Authority (the "Port Authority") and the Rock and Roll Hall of Fame and Museum, Inc. (the "Museum") entered into a Cooperative Agreement dated as of February 26, 1993 (the "Original Cooperative Agreement") and an Amendment and Restatement of Cooperative Agreement dated as of December 15, 2003 (the "Amended Cooperative Agreement") pursuant to special state legislation to provide for the ownership, financing and refinancing, construction, maintenance and operation of the Rock and Roll Hall of Fame (the "Rock Hall") as a port authority educational and cultural facility owned by the Port Authority and leased to the Museum; and

Whereas, pursuant to the Original Cooperative Agreement and Amended Cooperative Agreement, the Port Authority has issued revenue bonds (the "Bonds") to finance a portion of the costs of construction of the Rock Hall; and

Whereas, pursuant to the Original Cooperative Agreement and Amended Cooperative Agreement and the trust indentures entered into in connection with the Bonds, provision was made for payment of the principal of, premium, if any and interest on the Bonds through the levy

by the County of an additional bed tax of 1-1/2% on transactions by which lodging by a hotel is or is to be furnished to transient guests within the County (the "Bed Tax"); and

Whereas, the Museum proposes to construct certain facilities for the Museum (the "Archives Project"), consisting principally of a facility on the campus of Cuyahoga Community College to house a library and archives facility; and

Whereas, the City, the County, the Port Authority and the Museum propose to amend the Amended Cooperative Agreement to provide for the issuance of bond anticipation notes (collectively with any notes or bonds issued to refund such notes, the "County 2007 Notes") by the County and for the Bed Tax to be utilized to pay or reimburse debt service paid on the County 2007 Notes, but only after application of the Bed Tax to pay or reimburse debt service on bonds previously issued by the Port Authority and the County so that the application of Bed Tax to pay or reimburse debt service on the County 2007 Notes will not increase the amounts of excess Urban Renewal Service Payments (as defined in the Amended Cooperative Agreement) payable to the County under the Amended Cooperative Agreement; and

Whereas, this ordinance constitutes an emergency measure of the immediate preservation of the public peace, property, health or safety in that authorizing and executing the Amendment at the earliest possible time to facilitate the issuance of the County Notes and the construction of the Archives Project will strengthen an important cultural and economic development facility within the City by providing additional revenue necessary to pay operation, maintenance and capital costs of the Rock Hall; now, therefore,

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

**Section 1. Determinations.** This Council finds and determines that it is necessary and proper and in the best interests of the City to amend the Amended Cooperative Agreement to facilitate the issuance of the County 2007 Notes and the construction of the Archives Project in such a way that additional funds will be made available to facilitate the issuance of the County 2007 Notes and the construction of the Archives Project as a component of the Rock Hall, an important cultural and economic development facility within the City.

**Section 2. Authorization.** The Mayor is authorized to execute and deliver the First Amendment to Amendment and Restatement of Cooperative Agreement substantially in the form in File No. 1426-07-A with such changes therein as are not substantially adverse to the City as may be approved by the Mayor and the Director of Law. The approval of such changes and the determination that such are not substantially adverse to the City shall be conclusively evidenced by the signing of the First Amendment to Amendment and Restatement of Cooperative Agreement by those officers. The First

Amendment to Amendment and Restatement of Cooperative Agreement shall be approved as to form and correctness by the Director of Law. Those officers and the Director of Finance, as appropriate, are also authorized to sign and deliver such certificates, instruments and documents, if any, as are necessary or appropriate to consummate the transactions contemplated by the First Amendment to Amendment and Restatement of Cooperative Agreement.

**Section 3. Open Meeting Determination.** It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

**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 17, 2007.

Effective September 18, 2007.

**Ord. No. 1541-07.**

**By Council Member Zone.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to stretch a banner across Detroit Avenue & West 73rd Street; for the period from September 17, 2007 to October 16, 2007, inclusive, to announce an Open House at the new Battery Park residential development.**

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 install, maintain and remove a banner across Detroit Avenue & West 73rd Street; for the period from September 17, 2007 to October 16, 2007, 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 17, 2007.

Effective September 18, 2007.

**Ord. No. 1542-07.**

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

**An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with Paul Davis Restoration of Cleveland Metro West for professional services necessary for environmental disposal or clean up and storage of flood-damaged property at the Mural Building, and to maintain safe air quality during remediation; and authorizing the Director of Public Health to employ one or more professional consultants to provide related services to effectuate the clean-up of the Mural Building, if necessary, not covered through Paul Davis Restoration of Cleveland Metro West.**

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 Health is authorized to enter into one or more contracts with Paul Davis Restoration of Cleveland Metro West for professional services necessary for environmental disposal or clean up and storage of flood-damaged property at the Mural Building, and to maintain safe air quality during remediation, for the Department of Public Health.

**Section 2.** That the Director of Public Health is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide related services to effectuate the clean-up of the Mural Building, if necessary, not covered through Paul Davis Restoration of Cleveland Metro West.

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

**Section 3.** That the cost of the contract or contracts authorized shall be in the estimated sum of \$89,650.00 and shall be paid from Fund No. 01-999800-632000, Request No. 157273.

**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 17, 2007.  
Effective September 18, 2007.

**Ord. No. 1543-07.**  
**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Light the Night Walk, on September 28, 2007, sponsored by the Leukemia & Lymphoma Society.**

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 Light the Night Walk, sponsored by the Leukemia & Lymphoma Society on September 28, 2007, with the walk beginning at the Gateway Plaza; East 6th to Huron; Huron to East 9th; East 9th to Carnegie; Carnegie to Ontario; Ontario to Eagle; Eagle to the Gateway Plaza; provided that the appli-

cant 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 17, 2007.  
Effective September 18, 2007.

**COUNCIL COMMITTEE MEETINGS**

**Monday, September 24, 2007**  
**1:00 p.m.**

**Aviation and Transportation Committee and Finance Committee:** Present in Aviation: Kelley, Chair; Westbrook, Vice Chair; Keane, Cleveland, Britt, Turner. *Authorized Absence:* Brancatelli.

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

**2:00 p.m.**

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

**Tuesday, September 25, 2007**  
**9:30 a.m.**

**Community and Economic Development Committee:** Present: Pierce Scott, Chair; Cummins, Coats, Westbrook, Brady, Zone. *Authorized Absence:* Brancatelli, Vice Chair; Cimperman, Lewis.

**Wednesday, September 26, 2007**  
**1:00 p.m.**

**Public Utilities Committee, Public Service Committee and City Planning Committee:** Present in Utilities: Zone, Chair; Reed, Vice Chair; Cleveland, Polensek, Keane, Kelley, Westbrook, Santiago. *Authorized Absence:* Cummins.

Present in Service: Brady, Chair; Turner, Vice Chair; Cleveland, Polensek, White, Santiago, Reed. *Authorized Absence:* Cummins, Johnson. *Protempore:* Kelley, Keane.

Present in Planning: Westbrook, Vice Chair; Keane, Zone, Reed. *Authorized Absence:* Cimperman, Chair; Conwell, Lewis. *Protempore:* Kelley.

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O—Ordinance; R—Resolution; F—File  
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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