

The City Record

Official Publication of the Council of the City of Cleveland



November the Fifth, Two Thousand and Eight

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	Stephanie Howse	1804 East 93rd Street	44106
8	Sabra Pierce Scott	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

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

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit

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

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

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

DEPT. OF PORT CONTROL – Ricky D. Smith, Director
Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AUDIT COMMITTEE – Robert Rawson, Chairman; Yvette Ittu, Debra Janik, Bracy Lewis, Don Neebes, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

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

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

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

The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, NOVEMBER 5, 2008

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CITY COUNCIL

MONDAY, NOVEMBER 3, 2008

The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2006-2009

MONDAY—Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 29, 2008

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 29, 2008, at 10:30 a.m. with Director Triozzi presiding.

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

Absent: Mayor Jackson and Director Smith.

Others: James Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 519-08.

By Director Dumas.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 8, 2008, for the purchase of heavy duty material storage racking for the Division of Printing and Reproduction, under the authority of Section 181.101 Codified Ordinances of the City of Cleveland, Ohio 1976 are rejected.

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

Nays: None.

Absent: Mayor Jackson and Director Smith.

Resolution No. 520-08.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Dodson & Associates, Inc., for the public improvement of the building improvements for the Cory Recreation Center floor repair and de-watering rebid, base bid, for the Department of Parks, Recreation, and Properties, received on October 2, 2008, under the authority of Ordinance No. 922-07, passed July 11, 2007, for a gross price for the improvement in the aggregate amount of \$66,666, is affirmed and approved as the lowest responsible bidder, and the Director of Parks, Recreation, and Properties 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 Dodson & Associates, Inc. is approved:

<u>Subcontractor</u> <u>CSB/MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Caver Brothers (CSB/MBE)	\$11,000.00 16.501%
Start to Finish (CSB/FBE)	\$ 2,080.00 3.12%
Spectra Flooring	\$ 1,599.00 2.39%
Cleveland Vicon	\$ 495.00 .74%
Ernie Electric	\$ 2,800.00 4.2%

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

Nays: None.

Absent: Mayor Jackson and Director Smith.

Resolution No. 521-08.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 106-12-014, 106-12-025 and 106-12-026, located at Linwood and East 66th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1139-08 passed September 22, 2008, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Marilyn L. Johnson has proposed to the City to purchase and develop the parcels for new construction; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1139-08 passed September 22, 2008, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Marilyn L. Johnson for the sale and development of Permanent Parcel Nos. 106-12-014, 106-12-025 and 106-12-026, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$100.00 each, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

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

Nays: None.

Absent: Mayor Jackson and Director Smith.

Resolution No. 522-08.

By Director Dumas.

Whereas, under the authority of Ordinances No. 485-03 and 1866-05, respectively passed by the Cleveland City Council on March 31, 2003 and March 13, 2006, the City of Cleveland, through the Director of Finance, entered into an agreement with Oracle Corporation, City Contract No. 61226, and a renewal entitled Amendment One, to acquire by licenses various Oracle database software products, as-needed, and maintenance and technical support services for the products, for the Division of Information Technology Services, Department of Finance; and

Whereas, division (c) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or

more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a renewal, entitled Amendment Two, of Contract No. 61226 with Oracle Corporation to continue to obtain the professional maintenance and technical support services necessary to implement and maintain Oracle database software products acquired by licenses under Contract No. 61226, as previously renewed, and to acquire additional Oracle software as needed to implement or maintain the software, for and during a period of one year starting May 29, 2008, with one option in the City, exercisable by the Director of Finance, to renew the agreement for an additional consecutive one-year term; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid for maintenance and technical support services to be performed under the renewal of the agreement with Oracle, Amendment Two, shall not exceed \$471,192.64. The price to be paid for any additional Oracle software product acquired during the term of the renewed agreement, shall be the discounted price stated in Amendment Two, as it may be supplemented during the term.

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

Nays: None.

Absent: Mayor Jackson and Director Smith.

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, NOVEMBER 17, 2008

9:30 A.M.

Calendar No. 08-185: 3264 Scranton Road (Ward 14)

Fethi Bethhouane, owner, appeals to build an addition for a drive-through at an existing store in a two-story mixed use building located on a 52.10' x 127.85' corner lot in a Multi-Family District; the lot size being contrary to Section 347.16(f) and a minimum lot width of 80 feet and lot area of not less than 12,000 square feet for a drive-through establishment; no spaces are proposed and one is required between the last station and public right-of-way according to Section 347.16(d)(1); no landscaping is proposed contrary to Sections 352.08 through 352.11 and a required 8 foot wide landscaping strip (75 percent year-round opacity) on the north, west, and south sides of the property to separate a Local Retail Business use from the abutting Residential District; and no expansion of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, and no substitution or other change in such nonconforming use to other than a conforming use shall be permitted except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 08-192: 3145 West 46th Street (Ward 14)

The Cleveland Metropolitan School District, owner, appeals to construct a three-story school for Kindergarten through Eighth Grade proposed to be on consolidated lots forming an irregular shaped acreage parcel, located on the east side of West 46th Street in a Two-Family District; subject to the provisions of Section 337.03(b) and by reference

as regulated in a One-Family District (Section 337.02(f)(3)(A), a public school, building and uses located within 30 feet of a Residential District require the Board of Zoning Appeals review and approval.

Calendar No. 08-197: 1088 Ivanhoe Road (Ward 10)

Dino Land Properties, owner, appeal to install a 6 foot high fence along the front yard of an acreage parcel located in a Semi-Industry and General Industry District on the north side of Ivanhoe Road; subject to the limitations of Section 358.05(a)(2) except as specifically required because of the type of use, in non-residential districts other than General and Unrestricted Industry Districts, fences in actual front yards and side street yards shall not exceed 4 feet in height and shall be at least 50 percent open above 2 feet in height; and no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height, unless all portions of the fence above two and one-half feet in height are at least 75 percent open; and the same restrictions shall apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or public street, if no sidewalk is present, according to Section 358.03(a) of the Codified Ordinances.

Calendar No. 08-198: 1816 East 33rd Street (Ward 13)

Contract Transport Properties LLC, owner, appeal to construct a parking lot on a 90' x 130.51' corner parcel in a Residence Industry District, and the parking of motor vehicles within the 20 foot front yard setback and 25 foot rear yard setback is prohibited, pursuant to Section 345.02(c) that requires setback building lines be observed to the same extent as for Residence Districts on any street on which the Residence Industry District adjoins a Residence District and that suitable planting is maintained in the setback areas; that side yards and rear yards not less than 25 feet are provided at the lot lines which are also boundary lines of a Residence District and according to Sections 352.08 and 352.11 require a 10 foot wide (75 percent year-round opacity) landscaping strip along the boundary line lot lines, and a 6 foot wide landscaping frontage strip (50 percent year-round opacity) is required along East 33rd Street; and a 5 foot high ornamental fence is proposed, contrary to Section 358.05(a)(2) that limits fences in actual front yards to not more than 4 feet in height, as stated in the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 3, 2008

At the meeting of the Board of Zoning Appeals on Monday, November 3, 2008, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 08-186: 5806 Woodland Avenue

Cleveland Public Library appealed to construct an addition to the Woodland Branch Library in zoning for Semi-Industry and C1 Multi-Family Districts.

Calendar No. 08-187: 811 Literary Road

6530 Carnegie Ltd. appealed to install an 8.4' high ornamental fence and a 7 foot high fence in a General Retail Business District.

The following appeal was **Denied:**

None.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeals were **Postponed:**

Calendar No. 08-180: 9523-25 Detroit Avenue postponed to November 24, 2008.

Calendar No. 08-183: 866-884 East 146th Street postponed to November 17, 2008.

Calendar No. 08-184: 3804 Whitman Avenue postponed to November 17, 2008.

Calendar No. 08-167: 5110 Clark Avenue postponed to November 24, 2008.

The following appeals heard by the Board on October 27, 2008 were adopted and approved on November 3, 2008.

The following appeals were **Approved:**

Calendar No. 08-177: 2095 West 81st Street

Greater Cleveland Habitat for Humanity appealed to erect a single family dwelling in a Two-Family District.

Calendar No. 08-182: 7223 Lorain Avenue

Kathleen Benco, owner, and Nathaniel Muniz, tenant, appealed to establish use for piercing and tattooing in a two-story building in a Local Retail Business District.

The following appeal was **Denied:**

Calendar No. 08-168: Appeal of Essam Abdalaal and West 117 LLC, d.b.a. Score Bar & Grill

Essam Abdalaal appealed from a disapproved music permit by the recommendation of the Director of Public Safety.

Secretary

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

Re: Report of the Meeting of
October 29, 2008

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

* * *

Docket A-139-08.

RE: Appeal of Jocelyn L. Travis, Owner of the One Dwelling Unit Single Family Residence Two Story Frame Property located on the premises known as 432 East 109th Street from a 14 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated August 19, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) weeks in which to obtain permits and six (6) months to abate all violations on the property; the property is REMANDED at this time to the department of building and housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley. Yeas: Messrs. Denk, Saunders, Saab, Bradley, Sullivan. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-141-08.

RE: Appeal of Marvin Ford, Owner of the One Dwelling Unit single Family Residence Two Story Frame Property located on the premises known as 3896 Strandhill Road from a 30 DAY DETERIORATED CONDEMNATION ORDER — MS & GARAGE of the Director of the Department of Building and Housing, dated August 11, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) weeks in which to obtain permits and six (6) months in which to abate the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan. Yeas: Messrs. Denk, Saunders, Saab, Bradley, Sullivan. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-146-08.

RE: Appeal of Charles Williams, Owner of the Two Dwelling Units Two-Family Residence Two and One-half Story Masonry Walls/Wood Floors Property located on the premises known as 13610 Blenheim Road from a 30 DAY FIRE CON-

DEMATION ORDER — MS, dated August 08, 2008, and from a 30 DAY CONDEMNATION ORDER — GARAGE, dated July 9, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant four (4) weeks in which to weather tight the entire structure and obtain all required permits, and six ((6) months in which to abate all the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Sullivan.

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

* * *

Docket A-147-08.

RE: Appeal of Joseph Karl Grant, Owner of the One Dwelling Unit Single Family Residence Two Story Frame Property located on the premises known as 423 East 109th Street from a 14 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated August 29, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-147-08 has been POSTPONED; to be rescheduled for November 12, 2008.

* * *

Docket A-148-08.

RE: Appeal of Glenn Hester, Owner of the Two Dwelling Units Two-Family Residence and Two and One-half Story Frame Property located on the premises known as 2355 East 85th Street from a 30 DAY CONDEMNATION ORDER of the Director of the Department of Building and Housing, dated April 10, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket will be rescheduled upon determination of the Board's findings.

* * *

Docket A-149-08.

RE: Appeal of Alphonso W. Swanson, Owner of the S-2 Storage — Low Hazard (Non-combustibles) One Story Masonry Property located on the premises known as 2265 East 107th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE of the Director of the Department of Building and Housing, dated August 28, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the

Appellant six (6) months in which to abate all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-150-08.

RE: Appeal of Alphonso W. Swanson, Owner of the Vacant Lot located on the premises known as 10710 Arthur Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Director of the Department of Building and Housing, dated August 26, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to abate all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-151-08.

RE: Appeal of Prime Properties Limited Partnership, Owner of the Mercantile-Retail Shops, Carry-out Food Shops One Story Masonry Property located on the premises known as 5110 Clark Avenue from a NOTICE OF VIOLATION — NO PERMIT/NO INSPECTION, of the Director of the Department of Building and Housing, dated August 26, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-151-08 has been POSTPONED; to be rescheduled for November 12, 2008.

* * *

Docket A-159-08.

RE: Appeal of William E. Platten, Sr., Owner of the Vacant Lot located on the premises known as 3981 Valley Road from a NOTICE OF VIOLATION — NO PERMIT/NO INSPECTION of the Director of the Department of Building and Housing, dated August 28, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-159-08 has been POSTPONED; to be rescheduled for November 12, 2008.

* * *

Docket A-164-08.

RE: Appeal of Playhouse Square Foundation, Owner of the A-3 Assembly — Recreation or Religious Facilities Six Story concrete Frame Property located on the premises known as 2067 East 14th Street from

a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated September 11, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance through the requirements of the Code, and to find that the equipment is restricted in access and requires demolition of the ceiling for removal, noting that the owner has accepted these conditions. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-175-08.

RE: Appeal of National City Bank, Owner of the Property located on the premises known as 1900 East 9th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 16, 2008, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance requested and permit splice boxes with the compression type fitting as described and to minimize the quantity of supply boxes, noting that it is emergency cable and not standard power cable. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

EXTENSION OF TIME:

Docket A-144-07 — The Virtual Schoolhouse - 736 Lakeview Road:

A motion is in order at this time to grant the Appellant until the end of July 2009 to complete abatement of all violations on the property and requested upgrades, and to extend the temporary occupancy until the end of July 2009; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-49-08 — Rosemary Lennon — 1770 Hillview Road:

A motion is in order at this time to grant the Appellant the requested "Extension of Time" until the end of 2008; the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Sullivan.

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

APPROVAL OF RESOLUTIONS

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

- A-118-08 — Grand Avenue Realty Company, Inc.
- A-122-08—Lashunda S. Lee.
- A-130-08—Jasmine Ganaway.
- A-136-08—NovaStar Mortgage, Inc.
- A-140-08—Emmitt Thompson.
- A-142-08—IB Property Holdings LLC.
- A-144-08—Collinwood Development.
- A-158-08—James W. Hobzek.
- A-162-08—At Random, Ltd.
- A-169-08—Case Western Reserve University.

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

* * *

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):

October 15, 2008

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, November 12, 2008
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, November 12, 2008, at 1:00 p.m., to consider the following ordinance now pending in the Council:

Ord. No. 1562-08.

By Council Members Cimperman and Zone.

An emergency ordinance repealing Section 347.02 of the Codified Ordinances of the Cleveland, Ohio, 1976, as amended by Ordinance No. 1470-06, passed December 11, 2006, relating to restrictions on location

of stables, poultry enclosures and other enclosures and supplementing the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.02 thereof, relating to restriction on the keeping of farm animals and bees.

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

Joseph C. Cimperman
Chairman
Committee on City Planning

October 29, 2008 and November 5, 2008

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, NOVEMBER 13, 2008

File No. 245-08 — CUY US 422-01.69 Resurfacing Project Woodland Avenue (East 34th to East 55th) Kinsman Road (East 55th to East 93rd), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 915-07, 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 OR-

DER MADE OUT TO THE CITY OF CLEVELAND (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, NOVEMBER 6, 2008 AT 10:00 A.M., THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

October 29, 2008 and November 5, 2008

WEDNESDAY, NOVEMBER 19, 2008

File No. 248-08 — Labor and Material Necessary to Maintain Elevators at the Willard Park Garage, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 7, 2008 AT 2:00 P.M., THE DIVISION OF PARKING FACILITIES, PARKING CONFERENCE ROOM, 500 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.

October 29, 2008 and November 5, 2008

THURSDAY, NOVEMBER 20, 2008

File No. 244-08 — Long Distance Service, for the Divisions of Information Technology and Services and Office of Telecommunications, Department of Finance, as authorized by Ordinance No. 730-08, passed by the Council of the City of Cleveland, May 19, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 7, 2008 AT 10:30 A.M., THE INFORMATION TECHNOLOGY AND SERVICES, CONFERENCE ROOM, 205 WEST SAINT CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.

October 29, 2008 and November 5, 2008

FRIDAY, NOVEMBER 21, 2008

File No. 242-08 — 15kV Walk-In Switchgear for Lake Road Sub-Station, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 556-08, passed by the Council of the City of Cleveland, June 9, 2008.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, NOVEMBER 11, 2008 AT 10:00 A.M., THE CLEVELAND PUBLIC POWER, CONFERENCE ROOM B, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 243-08 — Disposal of Catch Basin Debris, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section No. 129.29 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 7, 2008 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

File No. 246-08 — Ready Mix Concrete, for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**,

TUESDAY, NOVEMBER 11, 2008 AT 11:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 247-08 — Industrial Paper Products and Cloth Wipes (Re-Bid), for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, NOVEMBER 10, 2008 AT 10:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 29, 2008 and November 5, 2008

WEDNESDAY, NOVEMBER 26, 2008

File No. 249-08 — Employee Uniforms, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 14, 2008 AT 10:00 A.M., THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

November 5, 2008 and November 12, 2008

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1620-08.

By Council Member Sweeney (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2009; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is outside the 10-mill tax limitation; and

Whereas, this resolution 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 amounts and rates as determined by the Budget Commission in its certification are accepted.

Section 2. That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATE TAX RATES

Fund	Amount to be Derived From Levies	Amount Approved By Budget Commission	County Auditor's Estimate of Tax Rate To Be Levied	
	Outside 10-Mill Limitation Column II	Inside 10-Mill Limitation Column IV	Inside 10-Mill Limitation Column V	Outside 10-Mill Limitation Column VI
GENERAL FUND			----	7.75
BOND RETIREMENT FUND			4.35	----
POLICE PENSION FUND			----	0.30
FIRE PENSION FUND			<u>0.05</u>	<u>0.25</u>
TOTAL			<u>4.40</u>	<u>8.30</u>

Section 3. That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

Section 4. 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 October 27, 2008.
Effective October 27, 2008.

Res. No. 1621-08.**By Council Member Cummins.****An emergency resolution objecting to a New C1 Liquor Permit at 4270 Fulton Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Son Discount, Inc., 4270 Fulton Road, Cleveland, Ohio 44144, Permanent Number 8374793; 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 a New C1 Liquor Permit at Son Discount, Inc., 4270 Fulton Road, Cleveland, Ohio 44144, Permanent Number 8374793 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 October 27, 2008.

Effective October 28, 2008.

Res. No. 1622-08.**By Council Member Santiago.****An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 4416-18 Clark Avenue, and repealing Resolution No. 1106-07, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit to 4416-18 Clark Avenue by Resolution No. 1106-07 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 D5 Liquor Permit to Huckoby, Inc., DBA Henry's Bar, 4416-18 Clark Avenue, Cleveland, Ohio 44109, Permanent Number 4039011 be and the same is hereby withdrawn and Resolution No. 1106-07, 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 October 27, 2008.

Effective October 28, 2008.

Res. No. 1623-08.**By Council Member Santiago.****An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3355 West 46th Street, and repealing Resolution No. 1224-08, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3355 West 46th Street by Resolution No. 1224-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Verlie Café, Inc., DBA Verlie's, 3355 West 46th Street, Cleveland, Ohio 44102, Permanent Number 9256090 be and the same is hereby withdrawn and Resolution No. 1224-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

from and after the earliest period allowed by law.

Adopted October 27, 2008.

Effective October 28, 2008.

Res. No. 1626-08.**By Council Member Cimperman.****An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit at 620 Frankfort Avenue, and repealing Resolution No. 780-08, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to Down River Specialties, Inc., DBA Motion, 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent No. 2289880005 by Resolution No. 780-08 adopted by the Council on May 12, 2008; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Down River Specialties, Inc., DBA Motion, 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent No. 2289880005 be and the same is hereby withdrawn and Resolution No. 780-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 27, 2008.

Effective October 28, 2008.

Res. No. 1627-08.**By Council Member Kelley.****An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue, and repealing Resolution No. 1209-08, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 6501 Denison Avenue by Resolution No. 1209-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 3571080 be and the same is hereby withdrawn and Resolution No. 1209-08, containing such objection, be and the same is hereby repealed and that this

Council consents to the immediate renewal thereof.

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

Adopted October 27, 2008.
Effective October 28, 2008.

Res. No. 1628-08.

By Council Member Reed.

An emergency resolution objecting to the transfer of Liquor License of a D5 and D6 Liquor Permit to 3555 East 93rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 and D6 Liquor Permit from ARA Enterprise, Inc., DBA TKS Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0251410 to V S P Lounge, Inc., 3555 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 91813960005; 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 a transfer of Liquor License of a D5 and D6 Liquor Permit from ARA Enterprise, Inc., DBA TKS Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0251410 to V S P Lounge, Inc., 3555 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 91813960005, 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 October 27, 2008.
Effective October 28, 2008.

Res. No. 1629-08.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a D1 and D2 Liquor Permit at 3203 West 25th Street, and repealing Resolution No. 1222-08, objecting to said renewal.

Whereas, this Council objected to a D1 and D2 Liquor Permit to 3203 West 25th Street by Resolution No. 1222-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D1 and D2 Liquor Permit to 3203 West 25th Street, Inc., DBA Jay's Market, 3203 West 25th Street, Cleveland, Ohio 44109, Permanent Number 8871311 be and the same is hereby withdrawn and Resolution No. 1222-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 27, 2008.
Effective October 28, 2008.

Res. No. 1630-08.

By Council Member Sweeney.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 13999 Lorain Avenue, and repealing Resolution No. 1250-08, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 13999 Lorain Avenue by Resolution No. 1250-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to D & S Auto Sales, DBA Normandy Tavern, 13999 Lorain Avenue, Cleveland, Ohio 44135, Permanent Number 1883154 be and the same is hereby withdrawn and Resolution No. 1250-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 27, 2008.
Effective October 28, 2008.

Ord. No. 1631-08.

By Council Member Mitchell.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 6. (Timmy Settles).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 6; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in mobile peddling in the public rights of way of Ward 6.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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 October 27, 2008.
Effective October 28, 2008.

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NO MEETINGS

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