

The City Record

Official Publication of the Council of the City of Cleveland



November the Twenty-First, 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
 Monya 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 Bahur, 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 – 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 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; 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

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Vol. 94

WEDNESDAY, NOVEMBER 21, 2007

No. 4902

CITY COUNCIL

MONDAY, NOVEMBER 19, 2007

The City Record

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

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

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, November 19, 2007

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

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

Also present were Mayor Frank G. Jackson; Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valerie J. McCall, Chief of Government Affairs; Monyka S. Price, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Debra Linn Talley, Director of Office of Equal Opportunity; and Directors Triozzi, Dumas, Smith, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Reilly, Fumich, Guzman, Griffin, Brown, Interim Director Weathers, and Teresa Stevenson, Special Assistant to the Mayor for Legislative Affairs.

Pursuant to Ordinance No. 2926-76, a prayer was offered by Pastor Earl Bumgarner of City of God Baptist Fellowship Church, located in Ward 11. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1903-07.

Re: New Application — 1544346 — Cleveland Convenient Store, LLC., 3425 Fulton Road. (Ward 14). Received.

File No. 1904-07.

Re: Transfer of Ownership Application — 8374492 — Sooso, Inc., d.b.a. Dave's Beverage, 11625 Superior Avenue. (Ward 9). Received.

File No. 1905-07.

Re: Transfer Of Ownership Application — 8779010 — Taha Petroleum Corp., d.b.a. Minimart, 3778 West 117th Street. (Ward 19). Received.

File No. 1906-07.

Re: Stock Transfer Application — 5249587 — Locomotion, LLC., d.b.a. Sinergy, 1213 West 6th Street, first floor and patio. (Ward 13). Received.

COMMUNICATIONS

File No. 1907-07.

From Council Member Kevin J. Kelley, Ward 16 - letter requesting to recuse himself from voting on Ordinance No. 1242-A-07.

CONDOLENCE RESOLUTIONS

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

Res. No. 1908-07—Da'Mesha Christyne Sharp.

Res. No. 1909—Chris Mines.

Res. No. 1910—Joan Kist.

Res. No. 1911—Joi Renee Smith.

Res. No. 1912—Dr. Sulaiman Dawo Fofanah.

Res. No. 1913—Edward J. Corrigan.

CONGRATULATION RESOLUTIONS

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

Res. No. 1914—Valarie J. McCall.

Res. No. 1915—Harry Boomer.

Res. No. 1916—Iron Chef Michael Symon.

Res. No. 1917—Annie M. Stacey.

RECOGNITION RESOLUTIONS

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

Res. No. 1918—Joyce Goldstein.

Res. No. 1919 — 32nd Degree Masons of the Ancient and Accepted Rite, Valley of Cleveland.

Res. No. 1920—Harold Mitchell.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1868-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, for the Division of Water, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years of the necessary items of hauling and disposal of water treatment plant residuals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 163337)

Section 3. 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 Public Utilities 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 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1869-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, fuel, maintain, refurbish, and repair off-road fossil fuel backup electrical, backup pumping, and backup computer systems, including but not limited to, providing fuel material, services, emergency fuel deliveries, tank rental, fuel testing, conditioning, and recycling; and the purchase of generators and assorted uninteruptible electrical systems and current conditioning equipment systems, including labor and materials to maintain, repair, or replace if necessary; and labor and material to test underground storage tanks; for the various divisions of the Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of labor and materials necessary to test, fuel, maintain, refurbish, and repair off-road fossil fuel backup electrical, backup pumping, and backup computer systems, including but not limited to, providing fuel material, services, emergency fuel deliveries, tank rental, fuel testing, conditioning, and recycling; and the purchase of generators and assorted uninteruptible electrical systems and current conditioning equipment systems, including labor and materials to maintain, repair, or replace if necessary; and labor and material to test underground storage tanks; in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 163334)

Section 3. 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 Public Utilities 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 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1870-07.

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

An emergency ordinance determining the method of making the public improvement of cleaning, cement mortar lining, and replacing various distribution water mains in 2008; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning, cement mortar lining, and replacing various distribution water mains in the City of Cleveland in 2008, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 235, Request No. 163344.

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

from and after the earliest period allowed by law.

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

Ord. No. 1871-07.

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

An emergency ordinance determining the method of making the public improvement of constructing the Baldwin Water Works - Fairmount Pump Station Rehabilitation project; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to apply and pay for permits, licenses and plan reviews and to enter into various written standard purchase and requirement contracts needed in connection with the project.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Baldwin Water Works - Fairmount Pump Station Rehabilitation project, including but not limited to, upgrading the finished water pumping system, building improvements, and site work, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the Director of Public Utilities is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to construct the improvement, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be

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

Section 4. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 5. 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 Public Utilities 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 6. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, plan review, or other authorizations required by any regulatory entity or other public authority in connection with constructing this project.

Section 7. That the cost of the contracts authorized shall be paid from Fund Nos. 52 SF 229, 52 SF 231, 52 SF 235, and from the fund or funds to which are credited the proceeds of the sale of future waterworks bonds that include this purpose, Request No. 163345.

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, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 1872-07.

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 emergency spill response for regulatory actions and inspections, environmental and infrastructure conditions requiring specialized immediate response and corrective measures at Cleveland Hopkins International and Burke Lakefront Airports, for the Department of Port Control; and authorizing the purchase by one or more requirement contracts of the clean up and disposal of the spills, for a period of two years, with two one-year options to renew.

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

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

Section 1. That the Director of Port Control is authorized to 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 emergency spill response for regulatory actions and inspections, environmental and infrastructure conditions requiring specialized immediate response and corrective measures at Cleveland Hopkins International and Burke Lakefront Airports, for a term of two years with two one-year options to renew, exercisable by the Director of Port Control.

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

Section 2. That the Director of Port control 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 period of two years, with two one-year options to renew, exercisable by the Director of Port Control of the necessary items of the clean-up and disposal of the spills, in the approximate amount as purchased during the preceding terms, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Cleveland Hopkins International and Burke Lakefront Airports, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. 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 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 4. 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 Port control 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 5. That the cost of professional services contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 168414.

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

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

Ord. No. 1873-07.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with ParkWorks Inc. to allow and accept improvements at Buckeye Mini Park, located at Buckeye Road and East 118th Street, as a gift to the City; and authorizing the director to enter into a property adoption agreement with Buckeye Area Development Corp. to maintain the improvements located at the Buckeye Mini Park.

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 agreement with ParkWorks Inc. to allow

them to construct improvements to the Buckeye Mini Park, located at Buckeye Road and East 118th Street, including but not limited to, constructing a raised stage and a seating wall, installing landscaping, lighting and power to the stage, and a sculpture known as The Trumpet Player, and to accept the sculpture and improvements as a gift to the City.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with the Buckeye Area Development Corp., for the maintenance of the improvements, including the sculpture and its foundation, at the Buckeye Mini Park located at Buckeye Road and East 118th Street.

Section 3. That the property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 4. That the agreements authorized in this ordinance shall be prepared by the Director of Law.

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

Referred to Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 1874-07.

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

An emergency ordinance to amend Section 4 of Ordinance No. 489-07, passed June 4, 2007, relating to the public improvement of rehabilitating, renovating, reconstructing or otherwise improving various Department of Parks, Recreation and Properties facilities, authorizing the Director of Public Service to construct the improvements, and to employ one or more professional consultants to implement the improvement.

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

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

Section 1. That Section 4 of Ordinance No. 489-07, passed June 4, 2007, is amended to read as follows:

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 20 SF 503, **20 SF 508, and 50 SF 001**, Request No. 156217.

Section 2. That the existing Section 4 of Ordinance No. 489-07, passed June 4, 2007, is repealed.

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

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

Ord. No. 1875-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance to make additional appropriations of One Million Three Hundred Fifty Dollars (\$1,350,000) of Special Revenue Funds and Two Million Five Hundred Thousand Dollars (\$2,500,000) of the Enterprise Funds.

Whereas, there remains an unappropriated balance in the various funds, the sum of Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000) which is available for additional appropriation; and

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

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

Section 1. That there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

TOTAL SPECIAL REVENUE FUNDS	\$ 1,350,000	
TOTAL ENTERPRISE FUNDS	\$ 2,500,000	
TOTAL ALL FUNDS	\$ 3,850,000	
Street Construction, Maintenance & Repair Fund		\$ 1,350,000
I. Personnel and Related Expenses	\$ 1,350,000	\$ -
II. Other Expenses	\$ -	\$ -
TOTAL SPECIAL REVENUE FUNDS	\$ 1,350,000	\$ -
Cleveland Public Power		\$ 2,500,000
I. Personnel and Related Expenses	\$ -	\$ -
II. Other Expenses	\$ 2,500,000	\$ -
TOTAL ENTERPRISE	\$ 2,500,000	\$ -

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 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 Finance, Law; Committee on Finance.

Ord. No. 1876-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2008 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2008.

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; 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. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2008 until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2008, there be and there is hereby appropriated for the period from January 1, 2008 until the effective date of the Annual Appropriation Five Hundred Fifteen Million, Two Hundred Forty Two Thousand, Five Hundred Fifteen Dollars (\$515,242,515) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND

Legislative Branch		\$	2,064,227
Judicial Branch		\$	16,386,783
Executive Branch			
Office of the Mayor			716,614
Department of Public Safety			87,214,994
Community Relations Board			375,550
Department of Consumer Affairs			105,523
Department of Public Service			12,502,515
Department of Parks, Recreation & Properties			15,027,635
Boxing and Wrestling Commission			3,500
Urban Planning & Development			6,789,528
Department of Public Health			2,698,327
Department of Aging			246,888
Support Functions			18,270,809
Transfers to Other Funds			16,114,423
TOTAL EXECUTIVE BRANCH		\$	160,066,306
TOTAL GENERAL FUND		\$	178,517,316
Special Revenue Funds		\$	50,209,952
Internal Service Funds			10,787,169
Enterprise Funds			262,086,341
Trust and Agency Funds			3,397,831
Debt Service Funds			10,243,906
TOTAL TEMPORARY APPROPRIATIONS FOR 2008		\$	515,242,515

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$	2,064,227
I. Personnel and Related Expenses	\$	1,314,496	
II. Other Expenses		749,731	
TOTAL LEGISLATIVE BRANCH		\$	2,064,227

JUDICIAL BRANCH

Municipal Court - Judicial Division		\$	7,838,552
I. Personnel and Related Expenses	\$	5,654,347	
II. Other Expenses		2,184,205	
Municipal Court - Housing Division		\$	914,989
I. Personnel and Related Expenses	\$	845,855	
II. Other Expenses		69,134	

Municipal Court - Clerk's Division		\$	7,633,242
I. Personnel and Related Expenses	\$ 2,619,611		
II. Other Expenses	5,013,631		

TOTAL JUDICIAL BRANCH		\$	16,386,783
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EXECUTIVE BRANCH

Office of the Mayor		\$	716,614
I. Personnel and Related Expenses	\$ 640,961		
II. Other Expenses	75,653		

TOTAL OFFICE OF THE MAYOR		\$	716,614
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DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$	1,428,238
I. Personnel and Related Expenses	\$ 697,393		
II. Other Expenses	730,845		

Division of Police		\$	49,581,476
I. Personnel and Related Expenses	\$ 44,940,855		
II. Other Expenses	4,640,621		

Division of Fire		\$	25,155,719
I. Personnel and Related Expenses	\$ 23,783,651		
II. Other Expenses	1,372,068		

Division of Emergency Medical Services		\$	6,590,777
I. Personnel and Related Expenses	\$ 5,705,821		
II. Other Expenses	884,956		

Division of Dog Pound		\$	323,738
I. Personnel and Related Expenses	\$ 232,458		
II. Other Expenses	91,280		

Division of Correction		\$	4,135,046
I. Personnel and Related Expenses	\$ 3,097,417		
II. Other Expenses	1,037,629		

TOTAL DEPARTMENT OF PUBLIC SAFETY		\$	87,214,994
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COMMUNITY RELATIONS BOARD

Community Relations Board		\$	375,550
I. Personnel and Related Expenses	\$ 337,029		
II. Other Expenses	38,521		

TOTAL COMMUNITY RELATIONS BOARD		\$	375,550
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DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$	105,523
I. Personnel and Related Expenses	\$ 82,422		
II. Other Expenses	23,101		

TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$	105,523
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DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$	126,682
I. Personnel and Related Expenses	\$ 114,109		
II. Other Expenses	12,573		

Division of Architecture		\$	200,912
I. Personnel and Related Expenses	\$ 188,922		
II. Other Expenses	11,990		

Division of Waste Collection and Disposal		\$	9,293,901
I. Personnel and Related Expenses	\$	3,760,900	
II. Other Expenses		5,533,001	
Division of Engineering and Construction		\$	1,483,064
I. Personnel and Related Expenses	\$	1,317,819	
II. Other Expenses		165,245	
Division of Traffic Engineering		\$	1,397,956
I. Personnel and Related Expenses	\$	896,678	
II. Other Expenses		501,278	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$	<u><u>12,502,515</u></u>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$	230,592
I. Personnel and Related Expenses	\$	162,575	
II. Other Expenses		68,017	
Division of Research, Planning, and Development		\$	216,208
I. Personnel and Related Expenses	\$	184,932	
II. Other Expenses		31,276	
Division of Recreation		\$	5,613,262
I. Personnel and Related Expenses	\$	3,052,943	
II. Other Expenses		2,560,319	
Division of Parking Facilities-On Street		\$	369,271
I. Personnel and Related Expenses	\$	335,692	
II. Other Expenses		33,579	
Division of Property Management		\$	2,957,260
I. Personnel and Related Expenses	\$	1,727,186	
II. Other Expenses		1,230,074	
Division of Park Maintenance and Properties		\$	5,641,042
I. Personnel and Related Expenses	\$	2,446,229	
II. Other Expenses		3,194,813	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$	<u><u>15,027,635</u></u>

BOXING AND WRESTLING COMMISSION

Boxing and Wrestling Commission		\$	3,500
I. Personnel and Related Expenses	\$	3,500	
II. Other Expenses		-	
TOTAL BOXING AND WRESTLING COMMISSION		\$	<u><u>3,500</u></u>

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$	950,308
I. Personnel and Related Expenses	\$	808,624	
II. Other Expenses		141,684	
Director's Office		\$	479,085
I. Personnel and Related Expenses	\$	479,085	
Division of Neighborhood Development		\$	522,945
I. Personnel and Related Expenses	\$	302,945	
II. Other Expenses		220,000	
Division of Neighborhood Services		\$	369,567
I. Personnel and Related Expenses	\$	369,567	
TOTAL COMMUNITY DEVELOPMENT		\$	<u><u>2,321,905</u></u>

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir Office		\$	713,747
I. Personnel and Related Expenses	\$	550,622	
II. Other Expenses		163,125	
Division of Code Enforcement		\$	1,922,972
I. Personnel and Related Expenses	\$	1,849,521	
II. Other Expenses		73,451	
Division of Construction Permit		\$	451,990
I. Personnel and Related Expenses	\$	435,290	
II. Other Expenses		16,700	
TOTAL BUILDING AND HOUSING		\$	<u><u>3,088,709</u></u>

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$	48,551
I. Personnel and Related Expenses	\$	46,192	
II. Other Expenses		2,359	
Board of Building Standards and Appeals		\$	27,466
I. Personnel and Related Expenses	\$	23,938	
II. Other Expenses		3,528	
Board of Zoning Appeals		\$	67,573
I. Personnel and Related Expenses	\$	61,491	
II. Other Expenses		6,082	
TOTAL REGULATORY BOARDS		\$	<u><u>143,590</u></u>

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$	545,620
I. Personnel and Related Expenses	\$	488,589	
II. Other Expenses		57,031	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$	<u><u>545,620</u></u>

URBAN PLANNING AND DEVELOPMENT

Office of Equal Opportunity		\$	216,828
I. Personnel and Related Expenses	\$	188,280	
II. Other Expenses		28,548	
City Planning Commission		\$	472,876
I. Personnel and Related Expenses	\$	423,850	
II. Other Expenses		49,026	
TOTAL URBAN PLANNING AND DEVELOPMENT		\$	<u><u>6,789,528</u></u>

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$	243,196
I. Personnel and Related Expenses	\$	180,147	
II. Other Expenses		63,049	
Division of Health		\$	1,452,733
I. Personnel and Related Expenses	\$	616,979	
II. Other Expenses		835,754	
Division of Environment		\$	678,682
I. Personnel and Related Expenses	\$	500,000	
II. Other Expenses		178,682	

Division of Air Quality		\$	323,716
I. Personnel and Related Expenses	\$	43,616	
II. Other Expenses		280,100	

TOTAL DEPARTMENT OF PUBLIC HEALTH		\$	<u>2,698,327</u>
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DEPARTMENT OF AGING

Department of Aging		\$	246,888
I. Personnel and Related Expenses	\$	166,822	
II. Other Expenses		80,066	

TOTAL DEPARTMENT OF AGING		\$	<u>246,888</u>
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SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$	293,570
I. Personnel and Related Expenses	\$	261,703	
II. Other Expenses		31,867	

Division of Accounts		\$	599,190
I. Personnel and Related Expenses	\$	349,092	
II. Other Expenses		250,098	

Division of Assessments and Licenses		\$	781,175
I. Personnel and Related Expenses	\$	548,029	
II. Other Expenses		233,146	

Division of Treasury		\$	173,546
I. Personnel and Related Expenses	\$	141,424	
II. Other Expenses		32,122	

Division of Purchases and Supplies		\$	179,018
I. Personnel and Related Expenses	\$	158,891	
II. Other Expenses		20,127	

Bureau of Internal Audit		\$	284,623
I. Personnel and Related Expenses	\$	118,404	
II. Other Expenses		166,219	

Division of Financial Reporting and Control		\$	380,098
I. Personnel and Related Expenses	\$	365,244	
II. Other Expenses		14,854	

Information Systems Services		\$	1,430,428
I. Personnel and Related Expenses	\$	616,520	
II. Other Expenses		813,908	

Information Tech & Planning		\$	117,394
I. Personnel and Related Expenses	\$	110,104	
II. Other Expenses		7,290	

TOTAL DEPARTMENT OF FINANCE		\$	<u>4,239,042</u>
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Office of Budget & Management-Budget Admin.		\$	227,560
I. Personnel and Related Expenses	\$	171,020	
II. Other Expenses		56,540	

Department Law		\$	2,614,967
I. Personnel and Related Expenses	\$	1,773,173	
II. Other Expenses		841,794	

TOTAL FINANCE AND LEGAL ADMINISTRATION		\$	<u>7,081,569</u>
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PERSONNEL ADMINISTRATION

Office of Personnel		\$	938,907
I. Personnel and Related Expenses	\$	367,947	
II. Other Expenses		570,960	
Civil Service Commission		\$	640,177
I. Personnel and Related Expenses	\$	167,003	
II. Other Expenses		473,174	
TOTAL PERSONNEL ADMINISTRATION		\$	<u>1,579,084</u>

NONDEPARTMENTAL

Other Administrative		\$	9,610,156
II. Other Expenses	\$	9,610,156	
TOTAL NONDEPARTMENTAL		\$	<u>9,610,156</u>

TOTAL SUPPORT FUNCTIONS		\$	<u>18,270,809</u>
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Transfers To Other Funds		\$	16,114,423
II. Other Expenses	\$	16,114,423	

TOTAL EXECUTIVE BRANCH		\$	<u>160,066,306</u>
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TOTAL GENERAL FUND		\$	<u>178,517,316</u>
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SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$	36,255,919
I. Capital	\$	14,255,919	
II. Debt Service		22,000,000	
Street Construction, Maintenance & Repair Fund		\$	11,954,033
I. Personnel and Related Expenses	\$	5,236,080	
II. Other Expenses		6,717,953	
Schools Recreation & Cultural Activities Fund		\$	2,000,000
II. Other Expenses	\$	2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$	<u>50,209,952</u>

INTERNAL SERVICE FUND

Information Systems Services-Telephone Exchange		\$	2,767,305
I. Personnel and Related Expenses	\$	315,623	
II. Other Expenses		2,451,682	
Division of Motor Vehicle Maintenance		\$	6,668,079
I. Personnel and Related Expenses	\$	1,824,578	
II. Other Expenses		4,843,501	
Division of Printing and Reproduction		\$	966,299
I. Personnel and Related Expenses	\$	255,411	
II. Other Expenses		710,888	
City Storeroom and Central Warehouse		\$	385,486
I. Personnel and Related Expenses	\$	22,678	
II. Other Expenses		362,808	
TOTAL INTERNAL SERVICE FUNDS		\$	<u>10,787,169</u>

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration			\$	739,054
I. Personnel and Related Expenses	\$	516,806		
II. Other Expenses		222,248		
Radio			\$	1,069,259
I. Personnel and Related Expenses	\$	128,900		
II. Other Expenses		940,359		
Division of Fiscal Control			\$	1,097,325
I. Personnel and Related Expenses	\$	897,145		
II. Other Expenses		200,180		
Division of Water			\$	98,418,021
I. Personnel and Related Expenses	\$	22,958,552		
II. Other Expenses		75,459,469		
Division of Water Pollution Control			\$	10,088,136
I. Personnel and Related Expenses	\$	2,984,306		
II. Other Expenses		7,103,830		
Division of Cleveland Public Power			\$	64,409,449
I. Personnel and Related Expenses	\$	8,038,735		
II. Other Expenses		56,370,714		
TOTAL DEPARTMENT OF PUBLIC UTILITIES			\$	<u>175,821,244</u>

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations			\$	58,504,388
I. Personnel and Related Expenses	\$	7,581,813		
II. Other Expenses		50,922,575		
TOTAL DEPARTMENT OF PORT CONTROL			\$	<u>58,504,388</u>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries			\$	808,285
I. Personnel and Related Expenses	\$	431,846		
II. Other Expenses		376,439		
Golf Course Fund			\$	1,094,112
I. Personnel and Related Expenses	\$	304,558		
II. Other Expenses		789,554		
Division of Parking Facilities-Off Street Parking			\$	7,835,026
I. Personnel and Related Expenses	\$	350,503		
II. Other Expenses		7,484,523		
Division of Convention Center			\$	2,306,019
I. Personnel and Related Expenses	\$	966,055		
II. Other Expenses		1,339,964		
Division of Convention Center & Stadium- West Side Market			\$	540,636
I. Personnel and Related Expenses	\$	154,762		
II. Other Expenses		385,874		
Division of Convention Center & Stadium-Stadium			\$	15,176,631
II. Other Expenses	\$	15,176,631		
Division of Property Management - East Side Market			\$	-
I. Personnel and Related Expenses	\$	-		
II. Other Expenses		-		
TOTAL PARKS, RECREATION, & PROPERTIES			\$	<u>27,760,709</u>
TOTAL ENTERPRISE FUNDS			\$	<u>262,086,341</u>

AGENCY FUND

Central Collection Agency			\$	3,397,831
I. Personnel and Related Expenses	\$	1,828,681		
II. Other Expenses		1,569,50		
TOTAL AGENCY FUND			\$	3,397,831

DEBT SERVICE FUND

Sinking Fund Commission			\$	10,243,906
I. Personnel and Related Expenses	\$	45,972		
II. Other Expenses		197,934		
III. Debt Service		10,000,000		
TOTAL DEBT SERVICE FUNDS			\$	10,243,906

Section 2. That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2008, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2008.

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

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 1877-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance to provide the transfer of Five Million Four Hundred Twelve Thousand Five Hundred Dollars (\$5,412,500) within various divisions of the General Fund; Six Hundred Thousand Dollars (\$600,000) within the Special Revenue Fund, One Hundred Fifty Thousand (\$150,000) within the Internal Service Funds; Seven Million Five Hundred Thousand One Hundred Dollars (\$7,500,100) within the Enterprise Fund; and One Hundred Dollars (\$100) within the Debt Service Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 sum of Thirteen Million Six Hundred Sixty Two Thousand Seven Hundred Dollars (\$ 13,662,700) be the same and hereby transferred as follows:

	Transfer To	Transfer From
GENERAL FUND		
Council and Clerk of Council		
I Personnel and Related Expenses	\$ -	\$ 100,000
TOTAL LEGISLATIVE BRANCH	\$ -	\$ 100,000
Judicial Branch		
Judicial Division		
I Personnel and Related Expenses	\$ -	\$ 100,000
Clerks Division		
I Personnel and Related Expenses	\$ -	\$ 100,000
TOTAL MUNICIPAL COURT	\$ -	\$ 200,000
EXECUTIVE BRANCH		
Office of the Mayor		
I Personnel and Related Expenses	\$ -	\$ 100,000
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		
I Personnel and Related Expenses	\$ -	\$ 200,000
II Other Expenses	\$ 420,000	\$ -
Division of Police		
I Personnel and Related Expenses	\$ -	\$ 950,000
Division of Fire		
I Personnel and Related Expenses	\$ 2,400,000	\$ -
II Other Expenses	\$ -	\$ 100,000

Emergency Medical Services			
I Personnel and Related Expenses	\$	-	\$ 200,000
House of Corrections			
I Personnel and Related Expenses	\$	370,000	\$ -
II Other Expenses	\$	62,000	\$ -
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$	3,252,000	\$ 1,450,000
DEPARTMENT OF PUBLIC SERVICE			
Public Service Administration			
I Personnel and Related Expenses	\$	-	\$ 50,000
Waste Collection and Disposal			
I Personnel and Related Expenses	\$	-	\$ 250,000
II Other Expenses	\$	-	\$ 150,000
Engineering and Construction			
I Personnel and Related Expenses	\$	-	\$ 200,000
Division of Traffic Engineering			
I Personnel and Related Expenses	\$	-	\$ 100,000
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$	-	\$ 750,000
DEPARTMENT OF PARKS			
Division of Property Management			
I Personnel and Related Expenses	\$	-	\$ 250,000
Park Maintenance and Properties			
I Personnel and Related Expenses	\$	-	\$ 226,500
TOTAL PARKS, RECREATION, AND PROPERTIES	\$	-	\$ 476,500
DEPARTMENT OF BUILDING AND HOUSING			
Building and Housing Dir Office			
I Personnel and Related Expenses	\$	45,000	\$ -
II Other Expenses	\$	60,000	\$ -
Division of Code Enforcement			
I Personnel and Related Expenses	\$	-	\$ 199,000
TOTAL BUILDING AND HOUSING	\$	105,000	\$ 199,000
Economic Development			
I Personnel and Related Expenses	\$	-	\$ 300,000
Office of Equal Opportunity			
II Other Expenses	\$	36,000	\$ -
City Planning Commission			
I Personnel and Related Expenses	\$	-	\$ 100,000
DEPARTMENT OF PUBLIC HEALTH			
Division of Health			
I Personnel and Related Expenses	\$	-	\$ 50,000
II Other Expenses	\$	20,000	\$ -
Division of the Environment			
I Personnel and Related Expenses	\$	200,000	\$ -
Division of Air Quality			
I Personnel and Related Expenses	\$	40,000	\$ -
II Other Expenses	\$	175,000	\$ -
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$	435,000	\$ 50,000
Department of Aging			
I Personnel and Related Expenses	\$	-	\$ 8,000
II Other Expenses	\$	8,000	\$ -
DEPARTMENT OF FINANCE			
Finance Administration			
I Personnel and Related Expenses	\$	-	\$ 200,000
Division of Assessments & Licenses			
I Personnel and Related Expenses	\$	-	\$ 100,000
Financial Reporting & Control			
I Personnel and Related Expenses	\$	-	\$ 200,000

Information Systems Services			
I Personnel and Related Expenses	\$	-	\$ 200,000
Information Tech & Planning			
I Personnel and Related Expenses	\$	-	\$ 50,000
TOTAL DEPARTMENT OF FINANCE	\$	-	\$ 750,000
Office of Budget & Management			
I Personnel and Related Expenses	\$	-	\$ 50,000
Law			
I Personnel and Related Expenses	\$	-	\$ 100,000
PERSONNEL ADMINISTRATION			
Office of Personnel			
I Personnel and Related Expenses	\$	-	\$ 195,000
II Other Expenses	\$	226,500	\$ -
Civil Service Commission			
I Personnel and Related Expenses	\$	-	\$ 50,000
NONDEPARTMENTAL			
Other Administrative			
II Other Expenses	\$	-	\$ 534,000
Transfers to Other Funds			
II Other Expenses	\$	1,350,000	\$ -
TOTAL NONDEPARTMENTAL	\$	1,350,000	\$ -
TOTAL GENERAL FUND	\$	5,412,500	\$ 5,412,500
SPECIAL REVENUE FUND			
Streets			
I Personnel and Related Expenses	\$	600,000	\$ -
II Other Expenses	\$	-	\$ 600,000
TOTAL SPECIAL REVENUE FUNDS	\$	600,000	\$ 600,000
INTERNAL SERVICE FUNDS			
MVM			
I Personnel and Related Expenses	\$	-	\$ 150,000
II Other Expenses	\$	150,000	\$ -
TOTAL INTERNAL SERVICE FUNDS	\$	150,000	\$ 150,000
ENTERPRISE FUNDS			
DEPARTMENT OF PUBLIC UTILITIES			
Water			
I Personnel and Related Expenses	\$	-	\$ 6,000,000
II Other Expenses	\$	6,000,000	\$ -
CPP			
I Personnel and Related Expenses	\$	-	\$ 1,500,000
II Other Expenses	\$	1,500,000	\$ -
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$	7,500,000	\$ 7,500,000
DEPARTMENT OF PARKS			
East Side			
I Personnel and Related Expenses	\$	100	\$ -
II Other Expenses	\$	-	\$ 100
TOTAL DEPARTMENT OF PARKS	\$	100	\$ 100
TOTAL ENTERPRISE FUNDS	\$	7,500,100	\$ 7,500,100
DEBT SERVICE FUND			
Sinking			
I Personnel and Related Expenses	\$	100	\$ -
II Other Expenses	\$	-	\$ 100
TOTAL ALL FUNDS	\$	13,662,700	\$ 13,662,700

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

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 1878-07.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to acquire one or more software licenses and one or more applications for a citywide financial management information system to replace the PeopleSoft financial system; authorizing the director to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary for project management, installing, designing, training, implementing, testing, web hosting, other related system issues, and maintenance and technical support; and, authorizing one or more requirement and standard purchase contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the financial management information system, for the various divisions of City government, for a period of five years with three one-year options to renew.

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 Finance is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to acquire one or more software licenses and one or more applications for a citywide financial management information system to replace the PeopleSoft financial system for a period of five years with three one-year options to renew, exercisable by the Director of Finance, and other professional services necessary for project management, installing, designing, training, implementing, testing, web hosting, other related system issues, and maintenance and technical support for the system, for the Department of Finance.

The selection of the consultants, computer software developers, or vendors for the licenses and services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.

Section 2. That the Director of Finance is authorized to make one or more written requirement contracts and written standard contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a five years, with three one-year options to renew, exercisable by the Director of Finance of the necessary items of hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the finan-

cial management information system, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of city government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, 60 SF 001, 81 SF 001, the fund or funds to which are credited the proceeds of any capital leases or leasing arrangements issued for this purpose and from any other funds which are appropriated for this purpose, and shall also 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 4. 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 Finance 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 5. That the costs of the contract or contracts authorized shall be paid from Fund Nos. 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, 60 SF 001, 81 SF 001, the fund or funds to which are credited the proceeds of any capital leases or leasing arrangements issued for this purpose and from any other funds which are appropriated for this purpose. (RL 146283)

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

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 1879-07.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial supplies and equipment, for the various divisions of City government.

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 Finance 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 a period of one or two years of the necessary items of janitorial supplies and equipment, in the approx-

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 121215)

Section 3. 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 Finance 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 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 Finance, Law; Committee on Finance.

Ord. No. 1880-07.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of tele/data communications equipment, supplies, and for installation, repair, and maintenance, for the Division of Information Technology and Services, Department of Finance, for a period of one year, with three one-year options to renew.

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 Finance 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 a one year period, with three one-year options to renew, exercisable by the Director of Finance, of the

necessary items of tele/data communications equipment and supplies, including but not limited to, VoIP telephones, analog telephones, switches, routers, cable, patch panels, communications racks, connectors, cords, jacks, and related tools and hardware, and for installation, repair, and maintenance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. 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 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 142251)

Section 3. 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 Finance 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 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 Finance, Law; Committee on Finance.

Ord. No. 1881-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more requirement contracts without competitive bidding with AT & T for support, maintenance, installation, design, and repair of data and voice circuits, special circuits, and relocation of demarcation sites, for the various divisions of City government, Department of Finance, for a period not to exceed one year, with four one-year options to renew.

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 determines that the within commodities are non-competitive and cannot be secured from any source other than AT & T. Therefore, the Director of Finance is authorized to make one

or more written requirement contracts with AT & T under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed one year, with four one-year options to renew, exercisable by the Director of Finance, of the necessary items of support, maintenance, installation, design, and repair of data and voice circuits, special circuits, and relocation of demarcation sites, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the various divisions of City government, Department of Finance.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 142250)

Section 3. 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 Finance 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 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 Finance, Law; Committee on Finance.

Ord. No. 1882-07.

By Council Member Brancatelli (by departmental request).

An emergency ordinance to vacate a portion of East 77th Street.

Whereas, under Resolution No. 932-07, adopted June 11, 2007, this Council declared its intention to vacate a portion of East 77th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 16, 2007 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

A portion of East 77th Street (Width Varies), extending from the southerly right of way line of Osage Avenue S.E. (40 feet wide), southerly to northerly right of way line of Marble Avenue S.E. (40 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Dominion East Ohio Gas and AT&T.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Dominion East Ohio, AT&T and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1883-07.

By Council Member Brancatelli.

An emergency ordinance to vacate a portion of Morgana Avenue S.E. and a portion of Osmond Court S.E.

Whereas, under Resolution No. 539-07, adopted June 4, 2007, this Council declared its intention to vacate a portion of Morgana Avenue S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 16, 2007 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

MORGANA AVENUE S.E.: Being all that portion of Morgana Avenue S.E. (60 feet wide) extending West-erly from the Southwesterly line of Broadway S.E. (60 feet wide) to the Southerly prolongation of the East-erly line of P.P.N. 132-02-018 con-

veyed to David N. and Linda S. Mathoslah by deed recorded in Volume 96-10520 Page 53 of Cuyahoga County deed records and as shown by the Consolidation plat recorded in Volume 283 Page 33 of Cuyahoga County Map Records.

OSMOND COURT S.E.: Being all that portion of Osmond Court S.E. (50 feet wide) extending Easterly from the Northerly prolongation of the Westerly line of Sublot number 12 in the E.F. Barstow Subdivision as shown by the recorded plat in Volume 7 Page 26 of Cuyahoga County Map Records to its Easterly terminus.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Dominion East Ohio Gas, Cleveland Public Power, AT&T, and Water Pollution Control.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Dominion East Ohio Gas, Cleveland Public Power, AT&T, and Water Pollution Control and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1884-07.

By Council Member Britt.
An emergency ordinance to vacate a portion of East 93rd Street.

Whereas, under Resolution No. 302-07, adopted June 4, 2007, this Council declared its intention to vacate a portion of East 93rd Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 16, 2007, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and being all that portion of East 93rd Street (60 feet wide) extending Northerly from the Northerly line of Euclid Avenue (80 feet wide) to the Southerly line of Chester Avenue N.E. (86 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, Dominion East Ohio Gas, the Water Department, and Cleveland Public Power.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, Dominion East Ohio Gas, the Water Department, Cleveland Public Power and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1885-07.

By Council Member Cimperman.
An emergency ordinance designating The Cleveland Harbor East and West Pierhead Lights and Accessory Structures as Cleveland Landmarks.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate The Cleveland Harbor East and West Pierhead Lights and Accessory Structures as landmarks; and

Whereas, a public hearing under Chapter 161.04 (b) subsections (2) and (3) was held on June 14, 2007 to discuss the proposed designation of The Cleveland Harbor East and West Pierhead Lights and Accessory Structures as landmarks; and

Whereas, the Commission has recommended designation of The Cleveland Harbor East and West Pierhead Lights and Accessory Structures as landmarks and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate

protection of the historic landmarks is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That The Cleveland Harbor East and West Pierhead Lights and Accessory Structures, located on the northerly termini of the arrowhead breakwalls of the East and West Breakwalls of Cleveland Harbor, which in their entirety are properties having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, are designated landmarks under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 1886-07.

By Council Member Cimperman.
An emergency ordinance to vacate a portion of Stuber Court N.E.

Whereas, under Resolution No. 1578-06 adopted December 11, 2006, this Council declared its intention to vacate a portion of Stuber Court N.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 16, 2007, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Declaring the intent to vacate a portion of Stuber Court N.E. (16 feet wide) extending southerly from the northerly line of subplot number 46 in Joseph Perkins Re-allotment as shown in the recorded plat in Volume 9 page 20 of Cuyahoga County Records, said line being also the southerly line on the innerbelt Freeway so called, to the Westerly right of way line of East 30th street (66 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an ease-

ment of full width as described above for Dominion East Ohio Gas, the Water Department, and AT&T. That there is reserved to the owners of 1540 Stuber Court (also known as P.P.N. 102-27-002) an easement of full width extending Southerly from the Southerly right of way line of the Innerbelt Freeway (being also known as relocated Erin Court so called) about 66 feet for the purpose of ingress and egress to said 1540 Stuber Court.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Dominion East Ohio Gas, the Water Department, Cleveland Public Power and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1887-07.

By Council Member Cimperman.
An emergency ordinance to vacate a portion of Holmden Avenue from West 14th Street to the I-71 Freeway.

Whereas, under Resolution No. 451-07, adopted June 4, 2007, this Council declared its intention to vacate a portion of Holmden Avenue; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 16, 2007, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Holmden Avenue S.W. (60 feet wide) extending Westerly from the Westerly line of West 14th Street (100 feet wide) about 150.00 feet to the Easterly line of I-71 Freeway.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power and Illuminating Company.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, Illuminating Company and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1888-07.

By Council Member Lewis.
An emergency ordinance to vacate a portion of Sowinski Avenue, Hedwig Court, East 86th Place, and East 87th Street.

Whereas, under Resolution No. 162-06, adopted June 12, 2007, this Council declared its intention to vacate a portion of Sowinski Avenue, Hedwig Court, East 86th Place and East 87th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 16, 2007, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Sowinski Avenue
Being all that portion of Sowinski Avenue N.E. (45 feet wide) extending Westerly from the Southwesterly line of Ansel Road N.E. (50 feet wide) to the Southerly prolongation of the Westerly line of Sublot number 181 in the Posen Subdivision as shown by the recorded plat in Vol-

ume 20 page 29 of Cuyahoga County records.

Hedwig Court

Being all that portion of Hedwig Court N.E. (12 feet wide) and its Northerly and Southerly turnouts extending Westerly from the Westerly line of East 86th Place (10 feet wide) to that portion of Hedwig Court Vacated by the Council of the City of Cleveland by Ordinance Number 2333-58 passed November 24, 1958.

East 86th Place

Being all that portion of East 86th Place (10 feet wide) extending Northerly from the Northerly line of Kosciuszko Avenue N.E. (45 feet wide) to that portion of East 86th Place Vacated by the Council of the City of Cleveland by Ordinance number 916-58 passed March 28, 1958.

East 87th Street

Being all that portion of East 87th Street (width varies) extending Northerly from the Northerly line of Kosciuszko Avenue N.E. (45 feet wide) to the Southwesterly line of Ansel Road N.E. (50 feet wide).

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

Section 2. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

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

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 Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 1889-07.

By Council Member Turner.
An emergency ordinance to vacate a portion of the first un-named alley North of Miles Avenue from East 167th Street to Wyatt Road.

Whereas, under Resolution No. 538-07, adopted June 4, 2007, this Council declared its intention to vacate a portion of the first un-named alley North of Miles Avenue from East 167th Street to Wyatt Road; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 16, 2007 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and the State of Ohio and known as being all that portion of the 1st Un-named Alley (20 feet wide) north of Miles Avenue (86 feet wide) extending from the Easterly Right of Way of East 167th Street (50 feet wide) Easterly to the Westerly Right of Way of Wyatt Road (86 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for AT&T.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T and the City of Cleveland.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 1890-07.

By Council Member Santiago.

An emergency ordinance designating the Pearl Street Bank as a Cleveland Landmark.

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

Whereas, the owner of the Pearl Street Bank has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Pearl Street Bank as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That the Pearl Street Bank, whose street address in the City of Cleveland is 3104-06 West 25th Street, S. W., also known as Cuyahoga County Auditor's Permanent Parcel Numbers 007-33-036 and 007-33-037 and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 1891-07.

By Council Member Cleveland.

An emergency ordinance to amend Section 345.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1183-03, passed July 16, 2003, relating to general industry districts.

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 345.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1183-03, passed July 16, 2003, is amended to read as follows:

Section 345.04 General Industry Districts

(a) *Permitted Building and Uses.* Within any General Industry District the following buildings or uses are permitted; no building or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses:

(1) All buildings and uses permitted in a Semi-Industry District without the restrictions contained in Section 345.03 applying to such buildings or uses except that:

A. Loading or unloading platforms of motor freight depots or trucking terminals shall not be less than fifty feet from the street line unless such platforms are so located that freight handling vehicles will not stand or maneuver in the space between the platform and the street line.

B. Dusty material storage and handling shall be subject to the limitations and restrictions of Section 347.05.

C. All buildings and uses shall conform to other applicable regulations of this Zoning Code and other applicable statutes, ordinances, rules or regulations.

(2) Any industrial, manufacturing, commercial or other nonresidential use, except the uses hereinafter listed as prohibited uses in a General Industry District.

(3) The open yard storage of secondhand lumber or other used build-

ing material, junk, paper, rags, un-repaired or uncleaned containers or other salvaged articles provided such uses are enclosed within a minimum seven-foot high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence not closer to the street line than the setback building line and not closer than fifty feet to any Residence District. Such wall or fence may have one opening not more than twenty feet in width for street access, and may have two such openings if the wall or fence along the street is more than 200 feet in length.

(4) The operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles, pending wrecking or dismantling, in areas with a minimum area of 50,000 square feet providing such premises is enclosed within a minimum seven-foot high solid masonry wall or slightly solid, nontransparent, well-maintained substantial fence. Such wall or fence may have one opening not more than twenty feet in width for street access and may have two such openings if the wall or fence along the street is more than 200 feet in length. All walls or fences referred to in this chapter shall be neatly constructed, kept in good order and repair; no printing, lettering or advertisement shall be made part of or attached thereto or painted on the outside of the wall or fence, except that a sign located at the entrance to the yard may be provided to identify the yard.

(5) The sale or storage for sale of liquefied petroleum gases and acetylene and other compressed or liquefied gases of a highly flammable nature.

(6) Buildings and structures in Use Group I-3 in the Ohio Building Code but only at the State of Ohio Pre-Release Center located on Orange Avenue and the Community Based Correctional Facility (CBCF) and/or Minimum Security Misdemeanant Jail (MSMJ) located on Croton Avenue, N.E.

(b) *Accessory Uses by Special Permit.* The following uses are prohibited as the main or primary use of the premises; they are permitted only as uses accessory or incidental to a permitted use and only if approved by the Board of Zoning Appeals through a Special Permit granted in accordance with the standards of division (c) of this section;

(1) Asphalt or tar manufacturing or refining.

(2) Blast furnaces, ore smelting or reduction, metal refining or smelting.

(3) Carbon, coke or lamplack manufacture.

(4) Coal gas manufacture.

(5) Cremation within 300 feet of a Residence District.

(6) Creosote manufacture or treatment.

(7) Dextrine, glucose or starch manufacture.

(8) Disinfectant or insecticide manufacture which emits offensive odors.

(9) Dye stuffs manufacture.

(10) Manufacture of steel by the Bessemer process.

(11) Match manufacture.

(12) Oil cloth or linoleum manufacture.

(13) Paper and pulp manufacturing by sulphite processes emitting noxious gases or odors.

(14) Production or refining of petroleum or other flammable liquids.

- (15) Rock crushing.
 (16) Rubber manufacture by reclaiming processes.
 (17) Stock feed manufacture from refuse.
 (18) Tanning, curing or storing of raw hides or skins.
 (19) Wool pulling or scouring.
 (20) Hair processing.
 (21) Any other trade, industry or use that will be no more injurious, hazardous, noxious or offensive than the enterprises listed in division (b) of this section.

(c) *Special Permits.* In evaluating applications for Special Permits required by division (b) of this section, the Board of Zoning Appeals shall act to ensure that the proposed use or development does not adversely impact other properties and the uses located on those properties.

(1) *Criteria for Special Permits.* In its evaluation of potentially adverse impacts, the Board shall consider, among others, the following factors:

A. the degree to which dust, smoke, cinders, heat, flares, odor, fumes, gases, radioactive materials, glare, noise, vibration and other potentially harmful emissions or externalities are effectively confined to the premises of the proposed use;

B. the nature and proximity of nearby uses with respect to their vulnerability to the off-site impacts of the proposed use;

C. the extent to which impacts of the proposed use are comparable to the impacts typically associated with uses permitted in the General Industry District without the requirement for issuance of a Special Permit;

D. hours of operation of the proposed use;

E. hazards associated with combustible, flammable or explosive materials on the property of the proposed use;

F. the potential for adverse impacts to streams, rivers and lakes; and

G. potentially mitigating effects of landscaping, buffering, or topographical features.

(2) *Applications for Special Permits.* The applicant for a Special Permit in the General Industry District shall submit to the Board of Zoning Appeals an application demonstrating that the proposed use will not adversely impact other properties, specifically with respect to the factors listed in this division. In evaluating the application, the Board may solicit comments from City officials or others with appropriate technical expertise.

(d) *Buildings and Uses Prohibited.*

(1) In a General Industry District no building or premises shall hereafter be erected, altered or arranged for human habitation other than at the State of Ohio Pre-Release Center located on Orange Avenue, and the **Community Based Correctional Facility (CBCF) and/or Minimum Security Misdemeanor Jail (MSMJ) located on Croton Avenue, N.E., provided that these facilities are subject to review by the City Planning Commission and further,** except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.

(2) In a General Industry District no building or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part, for any of the following uses:

A. Acid manufacture, including hydrochloric acid, nitric acid, picric acid, sulphuric acid, and sulphurous acid.

B. Ammonia, bleaching powder, soda, soda compound, potash or chlorine manufacturing or refining.

C. Bronze powder or other metallic powder manufacture.

D. Cement, gypsum, lime, or plaster of Paris manufacture.

E. Distillation of bones, coal or wood, or manufacture of any of the by-products of such distillation.

F. Fat, grease, lard or tallow manufacturing, rendering or refining.

G. Fertilizer manufacture from phosphates or organic matter.

H. Gelatine, glue or size manufacture.

I. Incineration or reduction of dead animals, garbage, offal or refuse, except in a private incinerator constructed and operated as required by Section 337.23.

J. Manufacture of incendiary devices, pyrotechnical devices, fireworks, and other explosives, or the storage thereof.

K. Mineral insulation manufacture.

L. Rayon manufacture.

M. Slaughtering of animals, except poultry.

N. Stockyards.
 O. Any other trade, industry or use that will be injurious, hazardous, noxious, or offensive to an extent equal to or greater than any one of the enterprises enumerated in division (c)(2) of this section.

Section 2. That existing Section 345.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1183-03, passed July 16, 2003, is repealed.

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

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

Ord. No. 1892-07.
By Council Members Brady, Cimperman 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 on West 121 Street, south of Berea Road to A-Brite Holding Co., or its designee, for purposes of business expansion.

Whereas, the Director of Public Service has requested the sale of the City-owned property to A-Brite Holding Co., or its designee (the "Redeveloper") no longer needed for public use and located on West 121 Street, south of Berea Road, for purposes of business expansion; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

TRANSFER PARCEL
 City of Cleveland to A-Brite Holding Co.

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of a Parcel of land conveyed to the City of Cleveland by Deed dated June 1, 2007 and recorded in A.F.N.: 200706010763 and being a part of Original Rockport Township Section No. 20 further bounded and described as follows:

Bounded on the North by the Southeasterly line of Berea Road, N.W. (60 feet wide);

Bounded on the East by the Westerly line and its prolongation Southerly of a Parcel of land conveyed to GFDK, Inc. by Deed dated January 6, 1994 and recorded in Volume 94-175, Page 6 of Cuyahoga County Records. Said Southerly prolongation extends to the Northerly line of a parcel of land conveyed to the A-Brite Holding Company by Deed dated December 16, 1997 and recorded in Volume 97-12977, Page 25 of Cuyahoga County Records;

Bounded on the South by the Northerly line of a Parcel of land conveyed to the A-Brite Holding Company as aforesaid; and by the Northerly line of a Parcel of land conveyed to the Larjon Corporation by Deed dated April 15, 1971 and recorded in Volume 12787, Page 745 of Cuyahoga County Records;

Bounded on the West by the Easterly line of a Parcel of land conveyed to SGU Enterprises, LTD by Deed dated August 01, 2005 and recorded in A.F.N. 200508010587 of Cuyahoga County Records.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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 Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 1896-07.
By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Cuyahoga County to

pay a portion of the costs of a land use authority study and consulting services to be conducted by The Project Group, as part of the City's vacant property initiative.

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 grant agree-

ment with Cuyahoga County to pay a portion of the costs of a land use authority study and consulting services to be conducted by The Project Group, as part of the City's vacant property initiative.

Section 2. That the cost of the grant agreement shall not exceed \$10,000 and shall be paid from Fund No. 14 SF 031, Request No. 178619.

Section 3. That the grant agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 1893-07.

By Council Member Brady.

An ordinance to change the Use, Area and Height Districts of land on the south side of Joan Avenue east of West 110th Street from Two Family Residential to Local Retail Business District, a 'C' Area District and a '2' Height District (Map Change Number 2245, Sheet Number 12).

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

Section 1. That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning in the centerline of Lorain Avenue at its intersection with the centerline of Joan Avenue;

Thence easterly along said centerline of Joan Avenue to its intersection with the northerly prolongation of the easterly line of Sublot Number 1019 in the Lorain Highlands Re-subdivision as shown on the recorded plat in Volume 47 of Maps, Page 23 of Cuyahoga Map County Records;

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

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the westerly line of Sublot Number 1020 of said Lorain Highlands Re-subdivision;

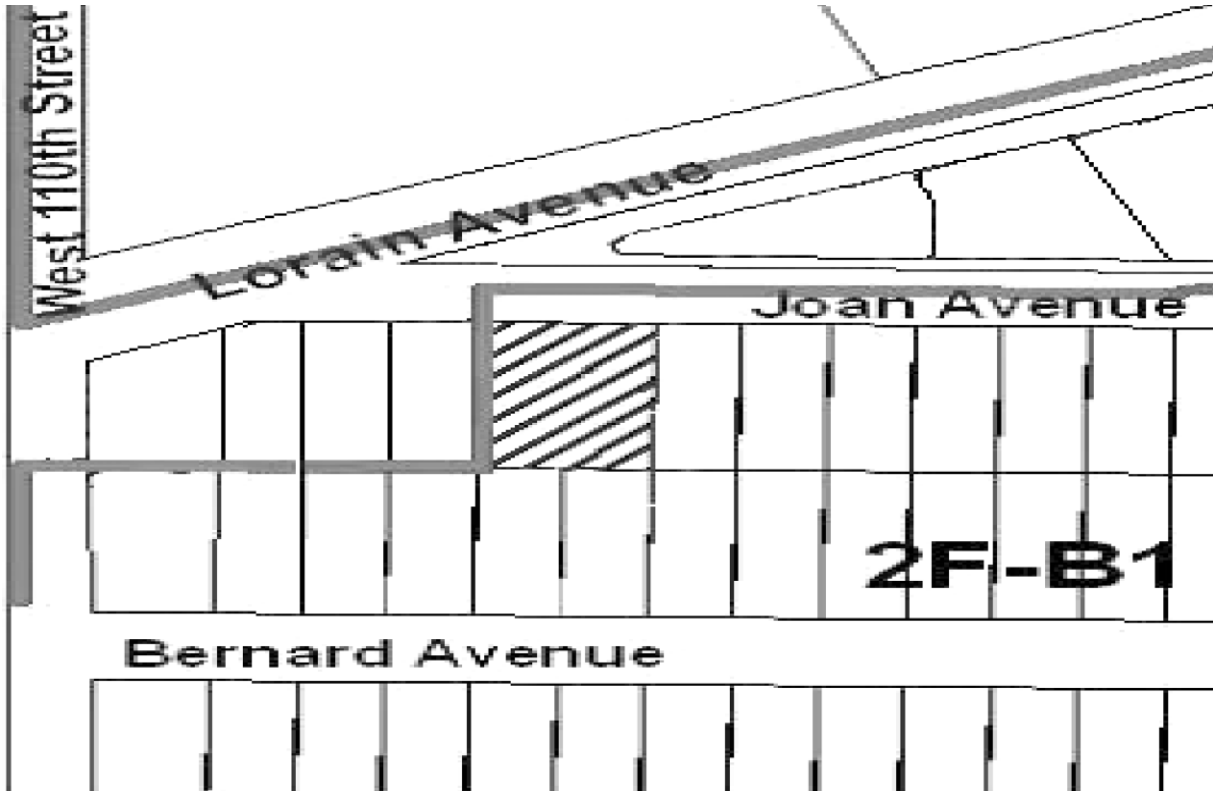
Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Joan Avenue;

Thence westerly along said centerline to its intersection with the centerline of Lorain Avenue and the principal place of beginning;

and as shaded on the attached map is changed to a Local Retail Business District, a 'C' Area District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2245, Sheet No. 12 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 this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

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

Ord. No. 1894-07.

By Council Member Britt.

An emergency ordinance to amend Section 1 of Ordinance No. 1427-07, passed October 29, 2007, relating to the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to the Cuyahoga County Board of Commissioners.

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 1 of Ordinance No. 1427-07, passed October 29, 2007, is amended to read as follows:

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). **126-08-033**, as more fully described below, to Cuyahoga County Board of Commissioners.

Section 2. That existing Section 1 of Ordinance No. 1427-07, passed October 29, 2007, is repealed.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

Res. No. 1895-07.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 3778 West 117th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 Liquor Permit from Zishan, Inc., DBA Zishan Grocery, 3778 West 117th Street, Cleveland, Ohio 44111, Permanent Number 9951773 to Taha Petroleum Corporation, DBA Mini-mart, 3778 West 117th Street, Cleveland, Ohio 44111, Permanent Number 8779010; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from Zishan, Inc., DBA Zishan Grocery, 3778 West 117th Street, Cleveland, Ohio 44111, Permanent Number 9951773 to Taha Petroleum Corporation, DBA Mini-mart, 3778 West 117th Street, Cleveland, Ohio 44111, Permanent Number 8779010; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1897-07.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 4257 East 71st Street and repealing Resolution No. 1300-07, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to Krunal, Inc., DBA 123 Quik Stop, 4257 East 71st Street, Cleveland, Ohio 44105, Permanent Number 4895593 by Resolution No. 1300-07 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 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 Krunal, Inc., DBA 123 Quik Stop, 4257 East 71st Street, Cleveland, Ohio 44105, Permanent Number 4895593 be and the same is hereby withdrawn and Resolution No. 1300-07, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1898-07.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D6 Liquor Permit at 5212 Fleet Avenue and repealing Resolution No. 1301-07, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D6 Liquor Permit to Steven James Enterprises, 5212 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 8564054 by Resolution No. 1301-07 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 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 D2, D2X, D3 and D6 Liquor Permit to Steven James Enterprises, 5212 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 8564054 be and the same is hereby withdrawn and Resolution No. 1301-07, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1899-07.**By Council Member Polensek.**

An emergency resolution withdrawing objections to the transfer of ownership and renewal of a C1 and C2 Liquor Permit at 18506 St. Clair Avenue, and repealing Resolution Nos. 1451-07 and 1170-07, objecting to said transfer and renewal.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 18506 St. Clair Avenue by Resolution No. 1451-07 adopted by the Council on September 10, 2007 and to the renewal by Resolution No. 1170-07 adopted by the Council on July 11, 2007; and

Whereas, this Council wishes to withdraw its objections to the above transfer and renewal and consents to said transfer and 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 C1 and C2 Liquor Permit to H M Goldi, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Numbers 1879570005 and 3471700 be and the same is hereby withdrawn and Resolution Nos. 1451-07 and 1170-07, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer and 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1900-07.**By Council Members Britt and Sweeney.**

An emergency resolution supporting passage of House Bill 236, the Family Healthy Plus bill, sponsored by State Representative Sandra Williams, 11th House District, that would expand comprehensive health insurance to Ohioans, and residents in Cuyahoga County and the City of Cleveland.

Whereas, House Bill 236, the Family Healthy Plus bill, would expand comprehensive health insurance to more than 700,000 Ohioans, including approximately 88,000 residents in Cuyahoga County; and

Whereas, the Family Healthy Plus program will cover single adults, couples without children, and parents between the ages of 19 and 64 who have a gross income of no more than 200% of the federal poverty level: \$19,600 a year for a single adult, or \$40,000 a year for a family of four; and

Whereas, the Family Healthy Plus bill requires the Director of Job and

Family Services to seek federal permission to establish the Family Health Plus component of the state Medicaid program, to impose a new assessment on hospitals, and to earmark the proceeds from the new assessment for the Family Health Plus component; and

Whereas, the Family Healthy Plus Bill would benefit the citizens of Cleveland who are currently uninsured or underinsured that qualify for the program;

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

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

Section 1. That this Council hereby supports passage of House Bill 236, the Family Healthy Plus bill, sponsored by State Representative Sandra Williams, 11th House District, that would expand comprehensive health insurance to Ohioans, and residents in Cuyahoga County and the City of Cleveland.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to State Representative Sandra Williams, members of the State House of Representatives Health and Human Services Committee, and Mayor Jackson.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1901-07.**By Council Members Britt and Sweeney.**

An emergency resolution supporting passage of House Bill 360, sponsored by State Representative Sandra Williams, 11th House District, that establishes the Lupus Education and Awareness Program (LEAP), the interagency advisory council and an advisory panel on Lupus.

Whereas, House Bill 360, establishes the Lupus Education and Awareness Program (LEAP), the interagency advisory council and an advisory panel on Lupus; and

Whereas, Lupus is an autoimmune disease that can cause inflammation and tissue damage to almost any organ in the body; and

Whereas, nearly two million Americans have Lupus and 90 percent of those patients are women; and

Whereas, Lupus disproportionately affects women of color; it is two to three times more common among African-Americans, Hispanics, Asians, and Native Americans and is generally more prevalent in minority populations; and

Whereas, House Bill 360 would benefit the citizens of Cleveland who are currently struggling with

Lupus or will develop it in the future;

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

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

Section 1. That this Council hereby supports passage of House Bill 360, sponsored by State Representative Sandra Williams, 11th House District, that establishes the Lupus Education and Awareness Program (LEAP), the interagency advisory council and an advisory panel on Lupus.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to State Representative Sandra Williams, members of the State House of Representatives Health and Human Services Committee, and Mayor Jackson.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1902-07.**By Council Member Britt.**

An emergency resolution encouraging the Jackson administration and State of Ohio to examine the City of Cleveland retirement system's investments to determine if funds are invested in scrutinized companies operating in Sudan; and if such companies are found in the City's retirement portfolio, encourage those companies to cease scrutinized business operations in Sudan, and cease investments in scrutinized companies until the Sudanese government stops military forces from committing genocide in Darfur.

Whereas, the government of Sudan has engaged in a policy of genocide against its own civilians in Darfur through use of its military and through sponsorship of attacks by armed militias known as the janjaweed; and

Whereas, the janjaweed and military of the Sudanese government are responsible for razing over 80% of Darfur's villages, gang-raping civilians, slaughtering at least 200,000 victims, displacing 2.5 million more, using forced starvation as a weapon of war, and impeding access of humanitarian aid to the up to 3.5 million Darfurians that are now reliant on assistance; and

Whereas, the Sudanese government and janjaweed militias have continued their attacks despite the signing of the Darfur Peace Agreement; and

Whereas, the Darfur crisis represents the first time the US Congress, State Department, and President

have declared a genocide while the atrocities are ongoing; and

Whereas, certain international companies operating in Sudan bring significant revenue, cover, and arms to the Sudanese government while providing little benefit to the majority of Sudan's citizens; and

Whereas, Khartoum has funneled the majority of foreign direct investment from these companies into military expenditures used to perpetuate the genocide while neglecting needed development projects in the Darfur region; and

Whereas, the government of Sudan has a history of remedying egregious behavior in response to economic pressure; and

Whereas, the current Sudan divestment movement now encompasses nearly 100 universities, cities, states, and private pension plans; and

Whereas, the divestment movement has already gained the attention of the Sudanese government and altered the behavior of some companies operating in Sudan;

Whereas, this Council encourages the Jackson administration and the State of Ohio investment managers to examine City retirement investments and short-term investment pool to determine if funds are invested in scrutinized companies operating in Sudan.

Whereas, scrutinized companies shall be defined as those companies that:

1. Engage in business with actors or projects that directly or indirectly benefit the government of Sudan through providing revenue or arms to the government or by enhancing the government's capacity to resist international pressure on Darfur;

2. Provide minimal benefit to those outside of government or the small circle of government supporters based mainly in the Khartoum state;

3. Have no significant corporate governance policy to address how a company's business in Sudan may contribute to the genocide in Darfur; and

Whereas, Companies that meet any of the following criteria shall not be considered scrutinized companies:

1. Companies contracting exclusively with the Government of South Sudan;

2. Companies primarily participating in the provision of goods or services that principally and directly benefit marginalized populations in Sudan;

3. Companies involved in the distribution of general downstream consumer goods and services within the country;

4. Companies whose primary purpose in Sudan is humanitarian, medical, journalistic, educational, or any other "social good;"

5. Companies whose activities in Sudan are currently dormant; and

Whereas, this Council encourages the Jackson administration and State of Ohio to identify scrutinized companies to implement the above policy by consulting, on a quarterly basis, a list promulgated by the Sudan Divestment Task Force; and

Whereas, if it is found that the City of Cleveland's retirement funds are being invested in scrutinized

companies operating in Sudan, this Council encourages the City retirement system and its investment managers to undertake the following procedure with respect to these identified companies:

1. Engage these companies for a period of no longer than three months in an effort to convince them to alter or cease scrutinized business operations in Sudan, using engagement letters are available from the Sudan Divestment Task Force;

2. If a scrutinized company undertakes any of the following actions during the engagement period, they shall no longer be considered a scrutinized company: adopting, publicizing, and implementing a formal plan to cease Scrutinized Business Operations within one year and to refrain from any such new Business Operations; undertaking humanitarian efforts in conjunction with an international organization, the government of Sudan, the regional government of southern Sudan, or a non-profit entity and evaluated and certified by an independent third party to be substantial in relationship to the company's Sudan business operations and of benefit to one or more marginalized populations of Sudan; or through engagement with the Government of Sudan, materially improving conditions for the genocidally victimized population in Darfur;

3. If a scrutinized company does not exhibit any of these changes during the engagement period, this Council encourages the City's retirement system and investment managers to divest all public securities held in scrutinized companies, excluding public securities held in commingled accounts or securities where no financially equivalent alternative is available;

4. If the city is found to hold securities in commingled funds that contain scrutinized companies, this Council encourages the City's retirement system to submit letters to the managers of such funds containing scrutinized companies requesting that they consider removing such companies from the fund or create a similar actively managed fund with commingled holdings devoid of such companies, and if the manager creates a similar fund, the City's retirement system will replace all applicable investments with investments in the similar fund in an expedited timeframe consistent with prudent investing standards; and

Whereas, this Council encourages the City retirement system's investment managers to continue to review your investments and take action to restrict investments in scrutinized companies as described above on a quarterly basis; and

Whereas, this Council encourages the City retirement system's investment managers not to enter into further investments in offending companies until the Sudanese government stops its military and militia forces from committing genocide in Darfur; and

Whereas, this Council calls upon the State of Ohio to follow the example of the City's retirement system and identify and divest from all

companies meeting the above criteria, aiding Sudan's genocidal government without benefiting the country's marginalized populations.

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

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

Section 1. That this Council hereby encourages the Jackson administration and State of Ohio to examine the City of Cleveland retirement system's investments to determine if funds are invested in scrutinized companies operating in Sudan; and if such companies are found in the City's retirement portfolio, encourage those companies to cease scrutinized business operations in Sudan, and cease investments in scrutinized companies until the Sudanese government stops military forces from committing genocide in Darfur.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the Sudan Divestment Task Force, State of Ohio PERS, and Mayor Jackson.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1253-07.

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

An emergency ordinance to repeal Sections 387.01 to 387.15 and 387.99 and Sections 394.01 to 394.16 and 394.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended by various ordinances; and to enact new Sections 387.01 to 387.18 and 387.99 and Sections 394.01 to 394.15 and 394.99 relating to explosives and hazardous material transportation.

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

1. In Section 2, at new Section 387.02(a)(5), line 2, strike "1301:7-7-31" and insert "**1301:7-7-33**".

2. In Section 2, at new Section 387.08(b), line 4, strike "1301:7-7-31" and insert "**1301:7-7-33**".

3. In Section 2, at new Section 387.10, in line 2 of the title, after "Materials" insert "; **Fee**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 1421-07.

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

An emergency ordinance to amend Section 127.43 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-07, passed July 11, 2007, relating to credit transfer services.

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

1. In Section 1, in amended Section 127.43, at the end, insert "Each person that pays a tax, fee, fine or other charge through the use of a credit card over the telephone, electronically, or by internet may be assessed a fee equal in amount to the cost to the City or the Court to process the credit card payment over the telephone, electronically, or by internet."

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. 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. 1806-07.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to encroach into the public right-of-way of East 185th Street with holiday wreaths to be attached to Cleveland Public Power and Cleveland Electric Illuminating Company utility poles (by separate permission).

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**SECOND READING
ORDINANCE PASSED**

Ord. No. 1769-07.

By Council Member Cimperman.

An ordinance changing the Use District of land between St. Clair Avenue and Spilker Avenue East of East 64th Street and West of Addison Road as shown by shading on the attached map to Local Retail (Map Change No. 2244; Sheet No. 4).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

MOTION

By Council Member Keane, seconded by Council Member Cleveland, and unanimously carried that the absence of Council Member Matthew Zone, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:37 p.m. to meet at 7:00 p.m. on Monday, November 26, 2007 in the Council Chambers.



Emily Lipovan
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 14, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 14, 2007, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Absent: Mayor Jackson and Director Fumich.

Others: Jim Hartley, Acting 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. 610-07.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 1102-06, passed September 11, 2006 by the Council of the City of Cleveland, that SARCOM, Inc. is selected upon the nomination of the Director of Finance from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract for the purpose of implementing a City-wide Active Directory and to upgrade the e-mail and messaging system on the network.

Be it further resolved, that the Director of Finance is authorized to enter into a written contract with SARCOM, Inc., based upon its proposal dated October 22, 2007, which contract shall be prepared by the Director of Law, shall provide that

the total compensation to the consultant for all services under the contract shall not exceed \$137,760.00, and shall include such additional provisions as he deems necessary to benefit and protect the public.

Be it further resolved, that the employment of the following subcontractor by SARCOM, Inc. is approved:

Vital Resources
FBE — \$15,080.00 — 10.95%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 611-07.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Independence Recycling, Inc., d.b.a. Indy Equipment for an estimated quantity of pumps, pipe saws, chain saws, tampers, chain sharpeners, air tools, and labor to repair pumps, pipe saws, chain saws, and air tools, Option 1, items 2a, 2b, 2c, 4, 6, and 12, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on August 31, 2007, under the authority of Ordinance No. 1255-06, passed October 30, 2006, which on the basis of the estimated quantity would amount to \$43,658.56 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163353

which shall be certified against the contract in the sum of \$43,658.56.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 612-07.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cobra Equipment Inc. for an estimated quantity of pumps, pipe saws, chain saws, tampers, chain sharpeners, air tools, and labor to repair pumps, pipe saws, chain saws, and air tools, Option 1, items 5, 7, and 10, for the Division of Water, Department of Public Utilities, for a period of one year start-

ing upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on August 31, 2007 under the authority of Ordinance No. 1255-06, passed October 30, 2006, which on the basis of the estimated quantity would amount to \$1,861.50 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163348

which shall be certified against the contract in the sum of \$1,861.50.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 613-07.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of APO Holdings, d.b.a. APO Pumps & Compressors for an estimated quantity of pumps, pipe saws, chain saws, tampers, chain sharpeners, air tools, and labor to repair pumps, pipe saws, chain saws, and air tools, Option 2, item 9, 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 goods or services, received on August 31, 2007 under the authority of Ordinance No. 1255-06, passed October 30, 2006, which on the basis of the estimated quantity would amount to \$51,200.00 (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 commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163352

which shall be certified against the contract in the sum of \$24,800.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 614-07.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of National Diamond for an estimated quantity of pumps, pipe saws, chain saws, tampers, chain sharpeners, air tools, and labor to repair pumps, pipe saws, chain saws, and air tools, Option 2, item 6a, 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 goods or services, received on August 31, 2007 under the authority of Ordinance No. 1255-06, passed October 30, 2006, which on the basis of the estimated quantity would amount to \$3,300.00 (2%, Net 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 commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163349

which shall be certified against the contract in the sum of \$3,300.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 615-07.

By Interim Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 31, 2007 for an estimated quantity of pumps, pipe saws, chain saws, tampers, chain sharpeners, air tools, and labor to repair pumps, pipe saws, chain saws, and air tools, Option 1, items 3, 6a, 8, 9, 11, 13, 14, and Option 2, items 13, and 14, for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 1255-06, passed October 30, 2006, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 616-07.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of HSQ Technology, A Corporation for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 2, item 4-all items, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utili-

ties, 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 September 28, 2007, under the authority of Ordinance No. 2234-05, passed January 23, 2006, as amended by Ordinance No. 1717-06, passed November 20, 2006, which on the basis of the estimated quantity would amount to \$318,452.00 (2%, 15 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. 163340

which shall be certified against such contract in the sum of \$20,000.00.

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, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 617-07.

By Interim Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 28, 2007 for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 1, items 3-all items, 4-all items, 7-all items, 8-all items, 9.025, 9.035, and 13-all items, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 2234-05, passed January 23, 2006, as amended by Ordinance No. 1717-06, passed November 20, 2006, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 618-07.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Chemtrac Systems, Inc. for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 1, items 9.001-9.024, 9.026-9.034, and 9.036-9.052, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materi-

als, received on September 28, 2007, under the authority of Ordinance No. 2234-05, passed January 23, 2006, as amended by Ordinance No. 1717-06, passed November 20, 2006, which on the basis of the estimated quantity would amount to \$73,126.25 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163341 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, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 619-07.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Process Control Services, Inc. for an estimated quantity of labor and materials necessary to refurbish the SCADA and PCCS systems, Option 2, items 3-all items, 8-all items, 13.001-13.014 and 13.016, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, 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 September 28, 2007, under the authority of Ordinance No. 2234-05, passed January 23, 2006, as amended by Ordinance No. 1717-06, passed November 20, 2006, which on the basis of the estimated quantity would amount to \$371,316.00 (0%, 0 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. 163343 which shall be certified against such contract in the sum of \$20,000.00.

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, Danger-

field, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 620-07.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on October 17, 2007, for cab/chassis with dry goods body, body conversion, and technical equipment, for the Department of Public Utilities, under the authority of Ordinance No. 1237-07, passed by the Council of the City of Cleveland on September 24, 2007, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

Resolution No. 621-07.

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. 128-06-051 and 128-07-038, located at Rosehill Avenue, Shaker Boulevard under the Land Reutilization Program; and

Whereas, Ordinance No. 1619-07 passed October 29, 2007, 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, Cleveland Arts and Social Services Academy, Inc. has proposed to the City to purchase and develop the parcels for parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1619-07 passed October 29, 2007, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Arts and Social Services Academy, Inc. for the sale and development of Permanent Parcel Nos. 128-06-051 and 128-07-038, 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 \$6,500.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

CIVIL SERVICE NOTICE

**ANNOUNCEMENTS — 2007
11/23/07 — 11/29/07**

Announcement No.	Exam Method	Classification	Exam Type
84A	EE	Professional Standards Administrator (Non-Comp)	

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

Car registration or Driver's License or Ohio I.D. (One only).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C MINUTES ANNOUNCEMENT NO. 84A

PROFESSIONAL STANDARDS ADMINISTRATOR (NON-COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a Non-Competitive examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$26,274.00 - \$66,075.36 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE ACCEPTED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON FRIDAY, NOVEMBER 23, 2007 UNTIL 4:30 P.M. ON THURSDAY, NOVEMBER 29, 2007.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON, THURSDAY, NOVEMBER 29, 2007.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be deter-

mined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under administrative direction, oversees the Office of Professional Standards (OPS) and the Police Review Board process. Manages the day-to-day operations of the office. Supervises sworn and civilian personnel assigned to OPS, providing for their scheduling, hours of work and deployment. Ensures that all complaints of alleged improper Police conduct, incidents of the use of deadly or excessive force, and instances of in-custody injury or death are thoroughly investigated by personnel assigned to OPS or other Police personnel designated by the Director of Public Safety. Responds to citizen complaints concerning Public Safety personnel. Responds to Use of Deadly Force incidents. Investigates and reviews related incidents deemed appropriate by the Director of Public Safety. Reviews completed investigations for thoroughness and accuracy, ensuring that they are completed in a timely fashion. Ensures the integrity of the office and the entire investigative process. Makes presentations of findings to the Police Review Board. Establishes and maintains contact with appropriate media as well as neighborhood and community groups as authorized by the Director of Public Safety. Performs special projects related to Public Safety, serves on boards, and carries out special assignments as directed. Completes other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School diploma or GED is required. A valid State of Ohio driver's license is required. A Bachelor's Degree in Criminal Justice or related field from an accredited four-year college or university is preferred. (Substitution for preference: Two years of full-time experience may be substituted for each

year of college education lacking.) Five years of full-time, paid investigative experience is required. Must be proficient in various software applications including Microsoft Office Suites.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Civil Service Commission will make copies for a standard fee.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

REYNALDO GALINDO, President

November 21, 2007

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 3, 2007

9:30 A.M.

Calendar No. 07-222: 2856 Woodhill Road (Ward 4)

Dennis Cleaning Company LLC, owner, and Starr Dickson, tenant, appeal to change use from a lounge to a day care center an existing two-story building on a 32.32' x 121.21' corner parcel, located in a Multi-Family District on the northwest corner of Woodhill Road and Kolar Avenue at 2856 Woodhill Road; and no expansion or change 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, according to Section 359.01(a) of the Codified Ordinances.

Calendar No. 07-225: 1145 Galewood Drive (Ward 10)

Cleveland Home Repair, owner, and Georgiann Fenderson, tenant, appeal for expansion of office and storage use to include a community center and factory, proposed to be on a consolidated parcel and in a two-story building, located in split zoning between a Local Retail Business District and a General Industry District on the west side of Galewood Drive at 1145 Galewood Drive; subject to the limitations of Section 337.03 and 337.08, the use for storage, a community center and factory are not permitted in a Local Retail District, a factory being first permitted in a Semi Industry District; and the Separation Standards of Sections 343.11(b)(2)(L) require that a social, sport or recreation center operated as a business is not be permitted within 500 feet of a residential district or a day care center, a school, public library, church, playground, public or nonprofit recreation center or community center and contrary to Sections 347.12(a)(1), a 100 foot distance is provided from a residential district; with no off-street parking provided, contrary to Section 349 and an off-street parking requirement of 212 spaces; and the expansion of a non-conforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 07-229: 3920 Valley Road (Ward 15)

Leo Margo, owner, appeals to establish use as an auto wrecking and dismantling yard and storage of auto parts on an 80' x 120' parcel located in a Semi-Industry District on the north side of Valley Road at 3920 Valley Road; subject to the limitations of Section 345.03(c), the proposed use is not permitted in a Semi-Industry District and contrary to Section 345.04(a)(4), a square foot area of 24,000 square feet is proposed and an auto wrecking and dismantling use requires a minimum square foot area of 50,000 square feet; and contrary to Section 349.07(c), a 64 foot driveway width is proposed for access to off-street parking spaces with backing out into oncoming street traffic, and a 30 foot width is the limit of a driveway width that shall be located and arranged to minimize traffic congestion; and a 6 foot wide frontage landscape strip is required for screening of parking spaces from the street, according to the provisions of Sections 352.08 through 352.11 of the Codified Ordinances.

Calendar No. 07-234: 9609 Garfield Avenue (Ward 8)

Linda Robinson, owner, appeals to erect a 2' x 12'-8" kitchen addition to a one family dwelling house, situated on a 36' x 194.71' parcel located in a Two-Family District on the north side of Garfield Avenue at 9609 Garfield Avenue; a 1'-5" interior side yard is proposed contrary to

the minimum requirement of 3 feet for an interior side yard, as stated in Section 357.09(2)(B) of the Codified Ordinances.

Calendar No. 07-238: 4679 West 146th Street (Ward 20)

David and Kelly Gaum, owners, appeal to erect a 10' x 7' metal shed on a 40' x 123.11' parcel located in a One-Family District on the east side of West 146th Street at 4679 West 146th Street; and a distance of 12 inches is provided, contrary to the minimum requirement of 18 inches from the property line, as stated in Section 337.23(a) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 19, 2007

At the meeting of the Board of Zoning Appeals on Monday, November 19, 2007, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 07-216: 3050 West 117th Street

Giant Eagle Incorporated appealed to erect a 92,646 square foot grocery store and 1,008 parking spaces on acreage located in split zoning between General Retail Business and General Industry Districts; subject to conditions.

Calendar No. 07-217: 2390-92 East 79th Street

Fairfax Renaissance Development Corporation appealed to change use of property from a library to a community center, located in a BI Two-Family District east of East 77th Street; in a Multi-Family District west of East 79th Street and in a Local Retail business District along the north side of Quincy Avenue.

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

The following appeal was **Withdrawn:**

Calendar No. 07-218: 4612 East 177th Street

Pauline Jones appealed to store and park a 20' x 40' commercial vehicle on a residential lot in an A1 One-Family District.

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

The following appeals were **Postponed:**

Calendar No. 07-219: 7210 Memphis Road postponed to January 22, 2008.

Calendar No. 07-178: 9709 Meech Avenue postponed to January 28, 2008.

Calendar No. 07-179: 9801 Meech Avenue postponed to January 28, 2008.

Calendar No. 07-180: 9805 Meech Avenue postponed to January 28, 2008.

Calendar No. 07-181: 9809 Meech Avenue postponed to January 28, 2008.

In Executive Session on November 19, 2007 the following appeals heard by the Board on November 12, 2007 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 07-214: 11621 Euclid Avenue

Isabella Basile, owner, and Bassem Abdelhamid, tenant, appealed to change use from a carryout restaurant to a hookah lounge in split zoning between a General Retail Business District and a Multi-Family District.

Calendar No. 07-215: 4010 John Avenue

Tony Vento, owner, appealed to erect a 6' x 18' open front porch to an existing dwelling in a Two-Family District.

In Executive Session on November 19, 2007, the following appeal heard by the Board on October 29, 2007 was adopted and approved by the Board.

The following appeal was **Approved:**

Calendar No. 07-116: 4190 Bradley Road

Ron and Debra Roy appealed to establish used car auto sales and accessory auto repair only for the "for sale used vehicles" in a Residence Industry District; subject to conditions.

Secretary

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

Re: Report of the Meeting of
November 14, 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-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).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1020-1030 Euclid Avenue 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. Gallagher.

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

* * *

Docket A-135-07.

RE: Appeal of Jason M. Kikta, Owner of the Two Dwelling Units Two-Family Residential Property located on the premises known as 30 Villa Beach Drive from a 7 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated July 27, 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 sixty (60) days in which to obtain permits and twelve (12) months in which to completely abate all the violations with satisfactory progress being required during the entire 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. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-137-07.

RE: Appeal of James Ealey C/O R. & D. Restoration, Owner / Contractor of the One Dwelling Unit Two & One-half Story Frame Residential Property located on the premises known as 15401 Lakeshore Boulevard from a NOTICE OF VIOLATION — NO PERMIT/NO INSPECTION of the Director of the Department of Building and Housing, dated September 17, 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 find that the construction is compliant with the review of the inspectors and the structural engineer, and in view of the owner's surveillance of it and that the subsequent action inspecting it; the Board finds that the project can be approved without any interior inspections, which are not possible; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

Docket A-138-07.

RE: Appeal of Shawn French, Owner of the Two Dwelling Units Two-Family Two & One-half Story Frame Residential Property located on the premises known as 17412 Glen Avenue from a 14 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated September 17, 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 find that the violation notice was properly served and that the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-145-07.

RE: Appeal of Adam Waldbaum, Owner of the One Dwelling Unit Single Family Two & One-half Story Masonry Residential Property located on the premises known as 1456 East 112th Street from a 14 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated September 19, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-145-07 has been POSTPONED; to be rescheduled for December 12, 2007.

* * *

Docket A-146-07.

RE: Appeal of St. Rocco Church, Owner of the Property located on the premises known as 3205 Fulton Road from a NOTICE OF VIOLATION — HVAC 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).

BE IT RESOLVED, a motion is in order at this time to permit the construction to continue, noting that the floor system was not inspected by the City heating inspector, with the provision that the contractor will warrant the system entirely for two (2) years and that the Board and the owner will receive a letter stating that it wasn't inspected and that it will be warranted for two (2) years. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-147-07.

RE: Appeal of Major Adams Jr., Owner of the One Dwelling Unit Two & One-half Story Frame Residential Property located on the premises known as 1260 East 125th

Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Director of the Department of Building and Housing, dated AUGUST 31, 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 sixty (60) days in which to reasonable address the exterior issues to the satisfaction of the inspector and twelve (12) months in which to abate the violations and obtain a Certificate of Occupancy; 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, Gallagher, Saab, Bradley. Nays: None. Absent: Mr. Saunders.

* * *

Docket A-148-07.

RE: Appeal of U.S. Bank, N.A., Mortgagee of the Property located on the premises known as 10017 Lamontier Avenue from a CONDEMNATION ORDER — MS, dated September 11, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the violation notice was property issued and that the Appellant is granted ninety (90) days 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. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-149-07.

RE: Appeal of The Finch Group C/O Schindler Elevator Corporation, Owner of the Property located on the premises known as 10510 Parklane Drive from an ADJUDICATION ORDER, dated October 31, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-149-07 has been POSTPONED; to be rescheduled for November 28, 2007.

* * *

Docket A-160-07.

RE: Appeal of Linda Eggleston-Robinson, Owner of the One Dwelling Unit Single Family Two & One-half Story Frame Residential Property located on the premises known as 9609 Garfield Avenue from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated August 13, 2007, requiring compliance with the Codified Ord-

nances 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, noting that a driveway is next door to the three (3) foot requirement without the rated wall, this variance is granted by the Board of Building Standards and contingent upon approval of the Zoning Board for this structure's location.

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

* * *

Docket A-162-07.

RE: Appeal of Amtrust, Owner of the Property located on the premises known as 1801 East 9th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 31, 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 permit the glass doors to be installed as proposed, noting that there are sprinklers on both sides and that the City concurs with the ruling. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-163-07.

RE: Appeal of Giant Eagle, Inc., Owner of the Property located on the premises known as 3050 West 117th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 30, 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 permit the facility to be constructed with the double firewalls as described — with the intervening property line and that this building is an unlimited area building, with the provision that the deeds and covenants express the no build zone requirements; and to grant the variance to the code requirement for partitions in the loading dock area with the provision that the area be painted as presented to the Board (noted and striped), and that the area be maintained free. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-164-07.

RE: Appeal of Patrick t. Gillespie & Darrell Seaflar, Owners of the Property located on the premises known as 2316 Mulberry Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 30, 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 allow the build-

ing to remain and be used as proposed, with the provisions that the fixture count be compliant with the Code, including ADA accessibility; that the Certificate of Occupancy to be given by the City is to be only concurrent with the lease documents which are also going to be given to the City, so that the space in front of the building on the north side be totally available to the tenants and that the property in five (5) years be that the allowable occupancy of the building as proposed be concurrent with the availability of the space in front of the building. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-165-07.

RE: Appeal of Target Corporation, Owner of the Property located on the premises known as 3084 West 117th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 05, 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 permit the facility to be constructed with the double firewalls as described — with the intervening property line and that this building is an unlimited area building, with the provision that the deeds and covenants express the no build zone requirements; and to grant the variance to the code requirement for partitions in the loading dock area with the provision that the area be painted as presented to the Board (noted and striped), and that the area be maintained free. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-174-07.

RE: Appeal of Karen O'Malley (Harp Restaurant), Owner of the Property located on the premises known as 4408 Detroit Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 13, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled for November 28, 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-115-07—Deutsche Bank National Trust.

A-127-07—Deutsche Bank National Trust.

A-129-07—Archer & Emerson Warren.

A-142-07—Mary Elizabeth Anderson.

A-154-07—Glenville Church of Christ.

A-155-07—I-X Center Corporation.

A-158-07—First Interstate Properties.

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bradley and seconded by Mr. Saab 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 31, 2007

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

* * *

Secretary

PUBLIC NOTICE

NOTICE OF HEARINGS

The City of Cleveland Council Committee on Public Utilities will hold a series of public hearings and a workshop to consider whether Cleveland Public Power should adopt standards for fuel diversity and fossil fuel generation efficiency, as set forth in amendments to the Federal Public Utility Regulatory Policies Act (Section 1251(a)(12) and (13) of the Energy Policy Act of 2005). The workshop will also include discussion of sustainability, energy conservation, and energy efficiency. The initial hearing will be held on Thursday, November 29, 2007, at the Mercedes Cotner Room of Cleveland City Hall, 601 Lakeside Avenue, Cleveland, from 9:30 A.M. to 12:00 Noon.

A workshop addressing these issues will subsequently be held on Thursday, December 6, 2007, from 9:30 A.M. to 12:00 Noon, followed by a final public hearing, to be held on January 16, 2008, from 2:00 P.M. to 4:00 P.M. Additional notices will be published no less than 2 weeks before these dates with further information.

Additional information may be obtained from the Cleveland City Council website at: <http://www.clevelandcitycouncil.org/>.

November 14, 2007 and November 21, 2007

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, DECEMBER 6, 2007

File No. 298-07 — Fourier Transform Infrared Spectroscopy (FTIR), for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1113-06, passed by the Council of the City of Cleveland, September 18, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, NOVEMBER 26, 2007 AT 10:00 A.M., THE OFFICE OF HOMELAND SECURITY, CONFERENCE ROOM 306, 205 WEST SAINT CLAIR AVENUE, CLEVELAND, OHIO 44114.

File No. 299-07 — Laboratory Information Management Systems (LMIS), for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1113-06, passed by the Council of the City of Cleveland, September 18, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, NOVEMBER 26, 2007 AT 11:00 A.M., THE OFFICE OF HOMELAND SECURITY, CONFERENCE ROOM 306, 205 WEST SAINT CLAIR AVENUE, CLEVELAND, OHIO 44114.

November 14, 2007 and November 21, 2007

WEDNESDAY, DECEMBER 19, 2007

File No. 300-07 — Kirtland Pump Station Rehabilitation Project No. 413, for the Division of Water,

Department of Public Utilities, as authorized by Ordinance No. 1235-07, passed by the Council of the City of Cleveland, October 29, 2007. THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS AND NO CASH WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, NOVEMBER 27, 2007 AT 2:00 P.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 14, 2007 and November 21, 2007

WEDNESDAY, DECEMBER 12, 2007

File No. 302-07 — Labor and Materials Necessary to Repair and Maintain Catch Basin Cleaning Trucks, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1399-07, passed by the Council of the City of Cleveland, October 15, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, DECEMBER 4, 2007 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

November 21, 2007 and November 28, 2007

WEDNESDAY, DECEMBER 19, 2007

File No. 303-07 — Purchase of Various Electrical Items, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1689-07, passed by the Council of the City of Cleveland, November 12, 2007.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, DECEMBER 7, 2007 AT 1:30 P.M., CITY OF CLEVELAND, CITY HALL, FIFTH FLOOR, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

November 21, 2007 and November 28, 2007

THURSDAY, DECEMBER 20, 2007

File No. 304-07 — PVC and FRE Conduit, Fitting and Accessories, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, DECEMBER 7, 2007 AT 11:00 A.M., DIVISION OF CLEVELAND PUBLIC POWER, MAIN OFFICE, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 21, 2007 and November 28, 2007

FRIDAY, FEBRUARY 1, 2008

File No. 301-07 — Restroom Renovations, Phase 2, for the Division of

Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 359-05, passed by the Council of the City of Cleveland, May 2, 2005.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 7, 2007 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 6C-24C CONFERENCE ROOM, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

November 21, 2007, November 28, 2007 and December 5, 2007

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1731-07.**

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

An emergency resolution supporting The Barker Products Company's loan application to Cuyahoga County for Cuyahoga County Commercial Redevelopment Fund Program funds to be used for the redevelopment of property located at 1028 East 134th Street.

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 this Council supports The Barker Products Company's loan application to Cuyahoga County for Cuyahoga County Commercial Redevelopment Fund Program funds to be used for the redevelopment of property located at 1028 East 134th Street.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Board of Cuyahoga County Commissioners and to the President of The Barker Products Company, located at 1028 East 134th Street, Cleveland, Ohio, 44110.

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 November 12, 2007.

Effective November 16, 2007.

Res. No. 1831-07.**By Council Member Cimperman.**

An emergency resolution declaring this Council's support of the plan by K&D Group to the Cuyahoga County Commercial Redevelopment Fund and the Local Parking Needs Fund for a loan to redevelop a commercial structure at 668 Euclid Avenue and 627 Prospect Avenue, Cleveland, Ohio.

Whereas, K&D Group with the support of the Greater Cleveland Partnership is applying for a loan through the Cuyahoga County Commercial Redevelopment Fund and the Local Parking Needs Fund; and

Whereas, this loan is to assist with financing the renovation and adaptive re-use of the William Taylor, Son & Co. Building a.k.a the Atrium Office Plaza structure located at 668 Euclid Avenue and 627 Prospect Avenue, Cleveland, Ohio, Permanent Parcel No(s) 101-27-021 and 101-27-025; and

Whereas, the redevelopment plans for the William Taylor, Son & Co. Building a.k.a. the Atrium Office Plaza include renovating the nearly 500,00 square foot building on approximately two acres of land into 215 residential rental units and 47,000 square feet of retail space; and

Whereas, this loan would provide financing necessary to fund the redevelopment of the site at an estimated cost of 52 million, and meets the criteria of the redevelopment fund; and

Whereas, the K & D Group's redevelopment plan will benefit the citizens of the City by creating an estimated 75 new jobs; and

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

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

Section 1. That this Council hereby declares its support of the plan by K&D Group to the Cuyahoga County Commercial Redevelopment Fund and the Local Parking Needs Fund for a loan to redevelop a commercial structure at 668 Euclid Avenue and 627 Prospect Avenue, Cleveland, Ohio.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Cuyahoga County Board of Commissioners, K & D Group, and the Greater Cleveland Partnership.

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 November 12, 2007.
Effective November 16, 2007.

Res. No. 1832-07.**By Council Members Coats, Conwell, Turner, Westbrook, Brancatelli, Cimperman, Zone, White, Britt, Brady and Santiago.**

An emergency resolution encouraging the protection of children from the harmful effects of media violence, and drawing attention to media violence as a key community concern.

Whereas, the average American youth spends more than 45 hours per week exposed to various types of media — television, film, video games, the Internet and music — and will witness 40,000 killings and 200,000 violent incidents through these media by the time they turn 18 years old; and

Whereas, nearly 1,000 different scientific studies have led to the conclusion that media violence increases levels of aggression among children and youth in the short term and is a significant risk factor that increases the likelihood of violent behavior over the long term; and

Whereas, national experts from the U.S. Surgeon General's office, the National Institutes of Mental Health, the American Academy of Pediatrics and the American Psychological Association have all concluded that repeated exposure to media violence can lead children to view violence as acceptable means of settling conflicts, become emotionally desensitized to violence and be more likely to exhibit violent behavior themselves; and

Whereas, the health and welfare of youth in the City of Cleveland is of utmost importance to the quality of life enjoyed by our residents; and

Whereas, the 2007 National League of Cities President Bart Peterson, mayor of Indianapolis, Indiana, has called on America's local elected officials to raise the level of parental awareness about the impact that media violence can have on children; and

Whereas, the City of Cleveland will work with PTAs and other community groups to encourage and assist parents in taking a more active role in monitoring the types of media to which their children have access; and

Whereas, the City of Cleveland will hold a Public Safety Committee hearing on December 12, 2007 for community members, elected officials, youth residents and business owners to discuss the impact of media violence on youth and what actions the community should take to combat this impact; and

Whereas, the City of Cleveland will engage local businesses that sell and/or rent media products in all discussions regarding our efforts to inform and educate parents, particularly as it relates to established rating systems; and

Whereas, the City of Cleveland will increase public awareness about and encourage young people to participate in community-sponsored activities for youth that serve as positive alternatives to media-related activities; and

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

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

Section 1. That this Council hereby encourages the protection of children from the harmful effects of media violence, and draws attention to media violence as a key community concern.

Section 2. That the Clerk of Council is hereby directed to send certified copies of this resolution to the National League of Cities President Bart Peterson, mayor of Indianapolis, Indiana and Mayor Jackson.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted November 12, 2007.
Effective November 16, 2007.

Res. No. 1833-07.**By Council Members Coats, Keane, Conwell, Britt, Turner, Brancatelli, Westbrook, Santiago, Cimperman, Pierce Scott, Polensek and Zone.**

An emergency resolution encouraging the General Assembly of the State of Ohio to pass a bill to designate State Route 2 known as "Memorial Shoreway" within Cuyahoga County only as the "Carl B. Stokes Memorial Highway."

Whereas, Carl Stokes (1927-1996) was elected to the Ohio House of Representatives in the November 1962 election and was reelected in 1964 and 1966; and

Whereas, Mr. Stokes ran unsuccessfully for the office of mayor of Cleveland in 1965, but was elected to that post in the 1967 election, thus becoming the first African-American to serve as mayor of a major American city; and

Whereas, this month marks the 40th anniversary of Carl Stokes' election to mayor of Cleveland, as the first African-American mayor of a major American City.

Whereas, reelected in 1969, Mr. Stokes chose not to run for reelection in 1971 and was succeeded by Ralph Perk; and

Whereas, he served as a municipal court judge from 1983-1994; and

Whereas, President Clinton appointed Mr. Stokes ambassador to the Seychelles in 1994, and he served that post until he developed cancer and died in Cleveland in 1996; and

Whereas, currently the Cuyahoga County portion of State Route 2 known as "Memorial Shoreway" does not have a designation in the Ohio Revised Code, and the State of Ohio General Assembly has drafted a bill at the Council's request to enact a section of the Revised Code to designate this portion of State Route 2 the "Carl B. Stokes Memorial Highway."

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

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

Section 1. That this Council hereby encourages the General Assembly of the State of Ohio to pass a bill to designate State Route 2 known as "Memorial Shoreway" within Cuyahoga County only as the "Carl B. Stokes Memorial Highway."

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the General Assembly of the State of Ohio, the Honorable Eugene R. Miller, Ohio House of Representatives, and Mayor Jackson.

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

Adopted November 12, 2007.
Effective November 16, 2007.

Res. No. 1834-07.**By Council Member Conwell.**

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 11625 Superior Avenue, and repealing Resolution No. 1169-07, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 11625 Superior Avenue by Resolution No. 1169-07 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 C1 and C2 Liquor Permit to Super Drive Thru, Inc., 11625 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 8699981 be and the same is hereby withdrawn and Resolution No. 1169-07, 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 November 12, 2007.

Effective November 16, 2007.

Ord. No. 1403-07.**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 financial consulting services to the Department of Port Control, for a period of two years, with two one-year options to renew.

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

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

Section 1. That the Director of Port Control is authorized to 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 financial consulting services to the Department of Port Control, for a period of two years, 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.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 105, 60 SF 106, 60 SF 140 and 60 SF 141, Request No. 168406.

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 November 12, 2007.

Effective November 16, 2007.

Ord. No. 1404-07.**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 learning and development of employees, including but not limited to performance management and enhancement services and systems, for a period of two years, with two one-year options to renew.

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

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

Section 1. That the Director of Port Control is authorized to 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 learning and development of employees, including but not limited to performance management and enhancement services and systems, for a period of two years, 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 neces-

sity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, and from the fund or sub-funds to which are credited the proceeds of any grant accepted for this purpose, Request No. 168408.

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 November 12, 2007.

Effective November 16, 2007.

Ord. No. 1406-07.**By Council Members Kelley, Cleveland and Sweeney (by departmental request).**

An emergency ordinance to amend Section 139.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1220-03, passed December 15, 2003, relating to applying and accepting Federal and State grants, for the Department of Port Control.

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

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

Section 1. That Section 139.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1220-03, passed December 15, 2003, is amended to read as follows:

Section 139.16 Applying and Accepting Federal and State Grants

The Director of Port Control is authorized to apply for and accept grants from the United States of America and the State of Ohio, as they may become available, to fund projects related to the operations of Cleveland Hopkins International Airport and Burke Lakefront Airport. The Director is further authorized to file all papers and execute all documents necessary to apply for, accept and receive funds under the grants; provided that the City shall follow all applicable federal or state regulations; and that any grant funds are appropriated for the purposes in the applications for the

grants, or any amendments thereto. The Director of Port Control shall notify this Council, through its Clerk, of any grant or grants accepted under the authority of this section, on receipt of each grant.

The Director of Port Control is further authorized to pay cash matching funds for projects approved by the above-named grantors for grant funding. The matching funds shall be paid from funds appropriated for the use of the Department of Port Control and, when permitted by law and indentures, from any existing or future revenue bond funds, grant proceeds and PFC authorizations.

Section 2. That existing Section 139.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1220-03, passed December 15, 2003, is repealed.

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

Passed November 12, 2007.

Effective November 16, 2007.

Ord. No. 1408-07.

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

An emergency ordinance to appropriate property for the public purpose of installing traffic signal mast arms and ADA-compliant curb ramps located at the northwest corner of West 150th Street and Industrial Parkway.

Whereas, the Council of the City of Cleveland, by Resolution No. 933-07, adopted June 11, 2007, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of installing traffic signal mast arms and ADA-compliant curb ramps located at the northwest corner of West 150th Street and Industrial Parkway; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of installing traffic signal mast arms and ADA-compliant curb ramps located at the northwest corner of West 150th Street and Industrial Parkway, the following described fee simple interests are appropriated:

**PARCEL 17-T
CUY-WEST 150th STREET
TEMPORARY EASEMENT**

Being a parcel of land lying on the left side of the centerline of right of way of West 150th Street and centerline of right of way of

Industrial Parkway made by the City of Cleveland recorded in Instrument Number _____ records of Cuyahoga County Recorder's Plat Records and being located within the following described points in the boundary thereof:

Being a part of Original Rockport Township Section No. 2, City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a point on the Grantor's northeast property corner and the westerly right of way line of West 150th Street at Station 77+84.40, 30.00 feet left of West 150th Street centerline of right of way and the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, along the Grantor's northerly property line S 83° 32' 32" W a distance of 5.00 feet to a point at West 150th Street centerline of right of way Station 77+84.40, 35.00 feet left;

2. thence, S 00° 04' 13" E a distance of 135.23 feet to a point at West 150th Street centerline of right of way Station 76+50.00, 50.00 feet left;

3. thence, S 77° 08' 41" W a distance of 50.33 feet to a point at West 150th Street centerline of right of way Station 76+44.38, 100.01 feet left and Industrial Parkway centerline of right of way Station 19+00.00, 40.00 feet left;

4. thence, S 83° 32' 32" W a distance of 79.99 feet to a point on the Grantor's westerly property line at Industrial Parkway centerline of right of way Station 18+20.01, 40.00 feet left;

5. thence, along the Grantor's westerly property line S 06° 26' 19" E a distance of 10.00 feet to a point on the Grantor's southeast property corner and the northerly right of way line of Industrial Parkway at Industrial Parkway centerline of right of way Station 18+20.01, 30.00 feet left;

6. thence, along the Grantor's southerly property line and the northerly right of way line of Industrial Parkway N 83° 32' 32" E a distance of 98.53 feet to a point at Industrial Parkway centerline of right of way Station 19+18.54, 30.00 feet left and West 150th Street centerline of right of way Station 76+34.38, 81.47 feet left;

7. thence, following an arc of a curve left having a radius of 188.00 feet, an arc length of 33.19 feet, a chord length 33.15 feet, a chord bearing North 68 degrees 14 minutes 08 seconds East, a delta of 10 degrees 06 minutes 53 seconds to a point at West 150th Street centerline of right of way Station 76+43.14, 49.51 feet left;

8. thence, following an arc of a curve left having a radius of 28.00 feet, an arc length of 27.71 feet, a chord length 26.59 feet, a chord bearing North 34 degrees 49 minutes 50 seconds East, a delta of 56 degrees 41 minutes 42 seconds to a point at West 150th Street centerline of right of way Station 76+63.13, 31.97 feet left;

9. thence, following an arc of a curve left having a radius of 108.00 feet, an arc length of 11.49 feet, a chord length 11.48 feet, a chord bear-

ing North 03 degrees 26 minutes 08 seconds East, a delta of 06 degrees 05 minutes 42 seconds to a point on the Grantor's easterly property line and the westerly right of way line of West 150th Street at West 150th Street centerline of right of way Station 76+74.44, 30.00 feet left;

10. thence, along the Grantor's easterly property line and the westerly right of way line of West 150th Street N 06° 26' 19" W a distance of 109.96 feet to the TRUE PLACE OF BEGINNING and containing 0.068 acres and subject to all legal highways.

Auditor's Number 028-22-002

Gross Take = 0.068 acres

Present Road Occupies = 0.000 acres

Net Take = 0.068 acres

The above described tract is a portion of Auditor's Parcel No. 028-22-002 carried on the tax map as 0.52 acres.

Grantor claims title by instrument number 200006120202 County Recorder's Office.

Description of the above parcel is based in a survey made by Terin J. Kaminski, Registered Surveyor No. 7207, for the City of Cleveland, Ohio.

The bearings contained herein are shown to indicate angles and are for project use only and are to an assumed north.

**PARCEL 17-WD
CUY-WEST 150TH STREET**

Being a parcel of land lying on the left side of the centerline of right of way of West 150th Street made by the City of Cleveland, Ohio recorded in Instrument Number of the records of Cuyahoga County Recorder's Plat Records and being located within the following described points in the boundary thereof:

Being a part of Original Rockport Township Section No. 2, City of Cleveland, Cuyahoga County, State of Ohio and more particularly bounded and described as follows:

Beginning at a point of tangency at West 150th Street centerline right of way Station 60+43.12, said point referenced by an iron pin monument found S 08° 42' 57" E a distance of 2.15 feet; thence, following West 150th Street centerline right of way, North 06 degrees 26 minutes 19 seconds West a distance of 1631.32 feet to a point at West 150th Street Station 76+74.44; thence, S 83° 33' 41" W a distance of 30.00 feet to a point on the Grantor's easterly property line and the westerly right of way line of West 150th Street at Station 76+74.44, 30.00 feet left of West 150th Street centerline of right of way, the TRUE PLACE OF BEGINNING of the parcel herein described;

1. thence, following an arc of a curve right having a radius of 108.00 feet, an arc length of 11.49 feet, a chord length 11.48 feet, a chord bearing South 03 degrees 26 minutes 08 seconds West, a delta of 06 degrees 05 minutes 42 seconds to a point at West 150th Street centerline of right of way Station 76+63.13, 31.97 feet left;

2. thence, following an arc of a curve right having a radius of 28.00 feet, an arc length of 27.71 feet, a chord length 26.59 feet, a chord bear-

ing South 34 degrees 49 minutes 50 seconds West, a delta of 56 degrees 41 minutes 42 seconds to a point at West 150th Street centerline of right of way Station 76+43.14, 49.51 feet left;

3. thence, following an arc of a curve right having a radius of 188.00 feet, an arc length of 33.19 feet, a chord length 33.15 feet, a chord bearing South 68 degrees 14 minutes 08 seconds West, a delta of 10 degrees 06 minutes 53 seconds to a point on the Grantor's southerly property line and the northerly right of way line of Industrial Parkway at West 150th Street centerline of right of way Station 76+34.38, 81.47 feet left;

4. thence, following the Grantor's southerly property line and the northerly right of way line of Industrial Parkway, N 83° 32' 32" E a distance of 21.48 feet to a point at West 150th Street centerline of right of way Station 76+34.39, 59.99 feet left;

5. thence, following an arc of a curve left having a radius of 30.00 feet, an arc length of 47.11 feet, a chord length 42.42 feet, a chord bearing North 38 degrees 33 minutes 07 seconds East, a delta of 89 degrees 58 minutes 50 seconds along the Grantor's southerly property line and the northerly right of way line of Industrial Parkway to a point on the Grantor's westerly property line and the westerly right of way line of West 150th Street at West 150th Street centerline of right of way Station 76+64.39, 30.00 feet left;

6. thence, following the Grantor's westerly property line and the easterly right of way line of West 150th Street, N 06° 26' 19" W a distance of 10.05 feet to the TRUE PLACE OF BEGINNING and containing 0.006 acres and subject to all legal highways.

Auditor's Number 028-22-002
 Gross Take = 0.006 acres
 Present Road Occupies = 0.000 acres
 Net Take = 0.006 acres

The above described tract is a portion of Auditor's Parcel No. 028-22-002 carried on the tax map as 0.52 acres.

Grantor claims title by instrument number 200006120202 County Recorder's Office.

Description of the above parcel is based in a survey made by Terin J. Kaminski, Registered Surveyor No. 7207, for the City of Cleveland, Ohio.

The bearings contained herein are shown to indicate angles and are for project use only and are to an assumed north.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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

Passed November 12, 2007.
 Effective November 16, 2007.

Ord. No. 1532-07.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Jacobsen/Daniels Associates, Inc. for the lease of office space in the terminal building at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of one year, with four one-year options to renew.

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

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

Section 1. That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Jacobsen/Daniels Associates, Inc. ("Lessee") for use and occupancy of approximately 324 square feet of office space in the terminal building at Cleveland Burke Lakefront Airport ("Leased Premises") which space has been determined to be not needed for public use for the term of the Lease. The Leased Premises shall be used to conduct an aviation planning and design consulting business. The term of the Lease shall be for a one year period commencing on the effective date of the Lease, with four one-year options to renew, exercisable by the request of Jacobsen/Daniels Associates, Inc. and the approval of the Director of Port Control. For use of the Leased Premises, Lessee shall pay the City an annual rent to be determined based on the actual square foot of the Leased Premises and based on the fair market value rental of \$12.50 per square foot. The rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

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

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

Passed November 12, 2007.
 Effective November 16, 2007.

Ord. No. 1535-07.
By Council Members Brady and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 65504 with Fabrizi Trucking and Paving for improvements to Jennings Road from Spring Road to the Jennings Freeway Ramp, for the Department of Public Service.

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 make the following alterations and modifications in Contract No. 65504 with Fabrizi Trucking and Paving for improvements to Jennings Road to the Jennings Freeway Ramp, for the Department of Public Service:

Subsidiary Additions

1. This project was designed in conjunction with The towpath trail initiative which follows Jennings Rd. from Crestline Ave. to Harvard Ave. A bike lane and sidewalk are in place to convey the towpath traffic along Jennings Rd. However, a means of conveying pedestrians from the Jennings Rd. section to the Harvard Ave. bridge was overlooked during design. In order to complete this aspect of the Jennings Rd. Project, 1100 ft of new sidewalk on the south side of Harvard Ave. is required.

Estimated cost: \$ 35,000.00

2. The draining near Bradley Rd. does not function properly as designed and installed. Two additional catch basins are necessary on the east side of Jennings north of Bradley Rd. in order to handle the expected flow. Also, the existing catch basin behind the sidewalk on the west side of Jennings Rd. near Bradley needs improvements in order to alleviate occasional flooding during heavy rain due to a large runoff area. A new 24" lateral and a new high capacity inlet grate are required in order to handle the expected flow.

Estimated cost: \$ 30,072.00

3. As W. 11th approaches Jennings Rd., it descends a steep hill. The profile of this hill as designed resulted in a large grade break at the intersection with Jennings and did not allow for safe vehicle passage. A revised design was received for this area from the Consultant and in order to construct this transition properly, the limits of construction need to extend further up the hill on W. 11th St. Additional layout, excavation and pavement will be necessary to construct in accordance with the revised design.

Estimated cost: \$ 35,000.00

4. The Cleveland Water Department expressed concern with the shallow cover over their water mains located at the intersection of Old Denison and Jennings Road. Their consultant investigated the option of lowering the water main at a cost of \$60,000 or raising the west gutter line of Jennings Road at the Old Denison intersection at an additional cost of \$15,000. The City recommends raising the west gutter line of Jennings Road to increase the depth of cover over their water mains.

Estimated cost: \$ 15,000.00

TOTAL SUBSIDIARY ADDITIONS	\$115,072.00
Original Contract Amount	\$4,436,785.35
Total Subsidiary Additions	+ 115,072.00
REVISED CONTRACT AMOUNT	\$4,551,857.35

which alteration has been recommended in writing by the Director of Public Service, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$115,072.00, payable from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 486, 20 SF 500, 20 SF 506 and 20 SF 510, Request No. 175489.

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

Passed November 12, 2007.

Effective November 16, 2007.

Ord. No. 1536-07.

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

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for replacing or installing traffic signals at various intersections along East 200th Street in the Cities of Cleveland and Euclid; authorizing the Director of Public Service to enter into any relative agreements.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Ohio Department of Transportation ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: replacing or installing traffic signals at various intersections along East 200th Street in the Cities of Cleveland and Euclid (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the State, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. That on completion of the Improvement, the City will maintain the right-of-way and keep it free of obstructions, and hold the right-of-way inviolate for public highway purposes.

Section 5. (a) That the City agrees to acquire and/or make available to the State, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs.

(b) That the City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 6. That this Council requests the State to proceed with the Improvement.

Section 7. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

Passed November 12, 2007.

Effective November 16, 2007.

Ord. No. 1611-07.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kelton Avenue to Lavora G. Gadison.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 120-10-125, as more fully described below, to Lavora G. Gadison.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 120-10-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 23 in the H. Clark Ford's Allotment of part of Original One Hundred Acre Lots Nos. 387 and 388 as shown by the recorded plat in Volume 14 of Maps, Page 47 of Cuyahoga County Records, and being 40 feet front on the Northerly line of Kelton Avenue, N.E., and extends back between parallel lines, 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. 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 November 12, 2007.

Effective November 16, 2007.

Ord. No. 1612-07.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 111th Street to Yolanda Savoury.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, adminis-

tered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 120-03-139, as more fully described below, to Yolanda Savoury.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 120-03-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 11 and part of Sublot No. 12 in Hamilton's Allotment, of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 24 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 111th Street at the Northwest corner of land conveyed to Joseph Pitrone and Carmella Pitrone by deed dated August 16, 1943 and recorded in Volume 5629, Page 131 of Cuyahoga County Records; thence Southerly along the Easterly line of East 111th Street, 50 feet to the Southwesterly corner of land so conveyed to Joseph Pitrone and Carmella Pitrone; thence Easterly, along the Southerly line of land so conveyed, about 121.24 feet to a point distant 54 feet Westerly, measured along said Southerly line from its intersection with the Easterly line of said Sublot No. 12; thence Northerly and parallel with the Easterly line of said Sublot Nos. 12 and 11, 50 feet to the Northerly line of land so conveyed to Joseph Pitrone and Carmella Pitrone as aforesaid; thence Westerly along the Northerly line of land so conveyed, about 121.85 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. 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 November 12, 2007.

Effective November 16, 2007.

Ord. No. 1615-07.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Wade Park Avenue to Sarah Washington.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-07-024, as more fully described below, to Sarah Washington.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 106-07-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio being a part of Original One Hundred Acre No. 383 and bounded and described as follows:

Beginning at the intersection of the Northerly line of Wade Park Avenue, N.E., with the Easterly line of East 82nd Street; thence Easterly along the Northerly line of Wade Park Avenue, N.E. 45 feet; thence Northerly parallel with Easterly 82nd Street, 95 feet; thence Westerly parallel with Wade Park Avenue,

N.E., 45 feet to the Easterly line of East 82nd Street; thence Southerly along the Easterly line of East 82nd Street, 95 feet to the place of beginning, and being further known as a part of Parcel No. 41 in L.M. Southern's proposed Allotment of a part of Original One Hundred Acre Nos. 385 and 391, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. 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 November 12, 2007.

Effective November 16, 2007.

Ord. No. 1689-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, parts, and supplies necessary for the electrical maintenance of facilities, including labor when necessary, and for high and medium voltage testing equipment and safety equipment, for the various divisions of City government, for a period of two years.

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 Finance 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

a two-year term of the necessary items of materials, parts, and supplies necessary for the electrical maintenance of facilities, including labor when necessary, and for high and medium voltage testing equipment and safety equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the City government. 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 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 163228)

Section 3. 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 Finance 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 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 November 12, 2007.
Effective November 16, 2007.

Ord. No. 1690-07.
By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of rigging services, and labor, materials, and services needed to maintain, repair, or refurbish material handling equipment, including training if needed; and authorizing the rental of material handling equipment, cranes, and other heavy equipment, including training if needed, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities 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 a one or two year period of the necessary items of rigging services, and labor, materials, and services needed to maintain, repair, or refurbish material handling equipment, including training if needed, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the Director of Public Utilities 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 a one or two year period of the necessary items of the rental of material handling equipment, cranes, and other heavy equipment, including training if needed, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase or procurement, which purchase and procurement, together with all later purchases and procurements, 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. (RL 163242)

Section 4. That under Section 108(b) of the Charter, the purchases and procurements authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases and procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed November 12, 2007.
Effective November 16, 2007.

Ord. No. 1691-07.
By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Noritsu America Corporation for the purchase of one digital dry printer, accessories, consumables, and maintenance and service, including parts and labor, for a period of one year, for the Department of Public Utilities.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Noritsu America Corporation. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Noritsu America Corporation on the basis of its proposal dated October 10, 2007, in the total sum of \$42,962.99, for one digital dry printer, accessories, consumables, and maintenance and service, including parts and labor, for a period of one year, to be purchased by the Commissioner of Purchases and Supplies, for the Department of Public Utilities. The contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 173660.

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

Passed November 12, 2007.
Effective November 16, 2007.

Ord. No. 1727-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the 2008 Team Approach to Domestic Violence; and to enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants to implement the 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 Law is authorized to apply for and accept a grant in the amount of \$138,804, from the Criminal Justice Service Agency, to conduct the 2008 Team Approach to Domestic Violence, for the purposes set forth in the application and according thereto; that the Director of Law 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 application for the grant.

Section 2. That the application for the grant, File No. 1727-07-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, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$46,260, from funds appropriated for this purpose in budget year 2008, is approved in all respects.

Section 3. That the Director of Law is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with professional consultants to implement the program as described in the file.

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

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

Passed November 12, 2007.

Effective November 16, 2007.

Ord. No. 1730-07.

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

An emergency ordinance to amend the title, the third whereas clause, and Section 3 of Ordinance No. 1058-05, passed June 6, 2005, as amended by Ordinance No. 2082-05, passed November 28, 2005, relating to an

Enterprise Zone Agreement with the Cleveland-Cuyahoga County Port Authority for 4500 Division 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 the title, the third whereas clause, and Section 3 of Ordinance No. 1058-05, passed June 6, 2005, as amended by Ordinance No. 2082-05, passed November 28, 2005, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Cleveland-Cuyahoga County Port Authority to provide for a ten-year, seventy-five percent tax abatement for certain tangible real property improvements as an incentive to cause the construction of a new office headquarters and a steel barge fabrication and repair building located at 4500 Division Avenue in the Cleveland Area Enterprise Zone.

Whereas, Cleveland-Cuyahoga County Port Authority (the "Enterprise") has secured the Great Lakes Towing Company as a Tenant to construct a new office headquarters and a steel barge fabrication and repair building located at 4500 Division Avenue in the Cleveland Area Enterprise Zone; and

Section 2. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1058-05-C. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 2. That the existing title, the third whereas clause, and Section 3 of Ordinance No. 1058-05, passed June 6, 2005, as amended by Ordinance No. 2082-05, passed November 28, 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 November 12, 2007.

Effective November 16, 2007.

Ord. No. 1734-07.

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

An emergency ordinance authorizing the purchase by one or more contracts of not to exceed three digital plotters, including delivery and installation; and authorizing the purchase by one or more requirement contracts of maintenance and supplies for the digital plotters, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year with two one-year options to renew.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed three digital plotters, including delivery and installation, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 58 SF 001.

Section 3. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements of the necessary items of maintenance and supplies for the digital plotters for a one year period, with two one-year options to renew, in the estimated amount of \$11,880, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. 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 Public Utilities, without the necessity of obtaining additional authority of this Council. 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 4. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 168953)

Section 5. 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 Public Utilities 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 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 November 12, 2007.
Effective November 16, 2007.

Ord. No. 1762-07.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with Sybase, Inc. for the purchase of MITIS software support and maintenance, for the Division of Taxation, Department of Finance, for a period of one year with two one-year options to renew.

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 determines that the within commodities are non-competitive and cannot be secured from any source other than Sybase, Inc. Therefore the Director of Finance is authorized to make one or more written contracts with Sybase, Inc., on the basis of its quotation dated October 10, 2007, for the purchase of MITIS software support and maintenance, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Taxation, Department of Finance, for a period of one year with two one-year options to renew, exercisable by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 81 SF 001, Request No. 174522.

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 November 12, 2007.
Effective November 16, 2007.

Ord. No. 1763-07.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of maintenance for Group IV photocopiers for the various divisions of City government; and to repeal Ordinance No. 883-07, passed June 11, 2007, relating to a standard contract for the maintenance of Group IV photocopiers.

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 Finance 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 a one year period of the necessary items of maintenance for Group IV photocopiers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 177132)

Section 3. 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 Finance 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 4. That Ordinance No. 883-07, passed June 11, 2007, is repealed.

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

Passed November 12, 2007.
Effective November 16, 2007.

Ord. No. 1764-07.
By Council Members Kelley, Cleveland and Sweeney (by departmental request).

An emergency ordinance to amend Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1737-07, passed October 15, 2007, relating to rates of fare and receipts for taxi cabs; and to amend Section 6 of Ordinance No. 1761-A-06, passed December 4, 2006, relating to operating taxi cabs at Cleveland Hopkins International Airport.

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

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

Section 1. That Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1737-07, passed October 15, 2007, is amended to read as follows:

Section 443.26 Rates of Fare; Receipts

(a) Except as provided in division (f) of this section, the maximum rates of fare for gasoline fueled or propane fueled taxicabs, including sales tax, shall be as follows:

(1) For the first one-eighth mile or fraction thereof, two dollars and twenty-five cents (\$2.25).

(2) For each additional one-eighth mile or fraction thereof, twenty-five cents (\$0.25).

(b) *Waiting Time or Traffic Delay Charge.* The rate for waiting or traffic delay shall be eighteen dollars (\$18.00) per hour except for coaches hired at the hourly rate.

(c) *Charge for More Than Four Passengers.* The rate for carrying more than four passengers shall be an additional one dollar (\$1.00) per person for each passenger over twelve years of age.

(d) *Hourly Rate.* On request of passengers, public hacks may accept employment where the fare may be computed on an hourly rental. When a public hack is so employed, the fare to be charged shall be computed from the time of leaving the nearest station of the owner to the time of returning to the nearest station from the point of dismissal.

(e) *Receipt to be Given.* On request of a passenger, the owner, driver, chauffeur or other person in charge or control of a public hack shall provide a receipt to the person paying for the hire of the same at the time of payment. The form of the receipt shall be prescribed and approved by the Commissioner of Assessments and Licenses, and shall contain in legible type or writing, the name of the owner, the City license number, the driver's City license number and other items for which a charge is made, the total amount paid, and the date of payment.

(f) *Rates of Fare From Cleveland Hopkins International Airport.* The following maximum rates of fare apply to gasoline fueled or propane fueled taxicabs which are transporting passengers from Cleveland Hopkins International Airport to another location. These rates of fare include metered rates, taxicab operating cost recovery, fuel surcharges and depreciation, sales tax, and applicable fees, and shall be as follows:

(1) *Rates for 0 to 40 miles from the Airport*

0 to 5 miles	- \$12.00
6 to 10 miles	- \$23.00
11 to 15 miles	- \$33.00
16 to 20 miles	- \$44.00
21 to 25 miles	- \$55.00
26 to 30 miles	- \$66.00
31 to 35 miles	- \$76.00
36 to 40 miles	- \$87.00

(2) *Rates for 41 to 55 miles from the Airport.* Rates shall begin at \$98.00 for 41 miles and shall be increased by \$2.00 for every mile over 41 miles for a maximum of \$126.00 for 55 miles from the Airport.

(3) *Rates for 56 to 70 miles from the Airport.* Rates shall begin at \$130.75 for 56 miles and shall be increased by \$2.00 for every mile over 56 miles for a maximum of \$158.75 for 70 miles from the Airport.

(4) *Rates for 71 to 85 miles from the Airport.* Rates shall begin at \$163.50 for 71 miles and shall be increased by \$2.00 for every mile over 71 miles for a maximum of \$191.50 for 85 miles from the Airport.

(5) *Rates for 86 to 100 miles from the Airport.* Rates shall begin at \$196.25 for 86 miles and shall be increased by \$2.00 for every mile over 86 miles for a maximum of \$224.25 for 100 miles from the Airport.

(6) *Rates for 101 to 115 miles from the Airport.* Rates shall begin at \$229.00 for 101 miles and shall be increased by \$2.00 for every mile over 101 miles for a maximum of \$257.00 for 115 miles from the Airport.

(7) *Rates for 116 to 130 miles from the Airport.* Rates shall begin at \$261.75 for 116 miles and shall be increased by \$2.00 for every mile over 116 miles for a maximum of \$289.75 for 130 miles from the Airport.

(8) *Rates for 131 to 145 miles from the Airport.* Rates shall begin at \$294.50 for 131 miles and shall be increased by \$2.00 for every mile over 131 miles for a maximum of \$322.50 for 145 miles from the Airport.

(9) *Rates for 146 to 160 miles from the Airport.* Rates shall begin at \$327.25 for 146 miles and shall be increased by \$2.00 for every mile over 146 miles for a maximum of \$355.25 for 160 miles from the Airport.

(10) *Rates for 161 to 175 miles from the Airport.* Rates shall begin at \$360.00 for 161 miles and shall be increased by \$2.00 for every mile over 161 miles for a maximum of \$388.00 for 175 miles from the Airport.

(11) *Rates for 176 to 190 miles from the Airport.* Rates shall begin at \$392.75 for 176 miles and shall be increased by \$2.00 for every mile over 176 miles for a maximum of \$420.75 for 190 miles from the Airport.

(12) *Rates for 191 to 199 miles from the Airport.* Rates shall begin at \$425.50 for 191 miles and shall be increased by \$2.00 for every mile over 191 miles for a maximum of \$441.50 for 199 miles from the Airport.

(13) *Rates for 200 miles and over from the Airport.* Rates shall be calculated at \$2.50 per mile.

Section 2. That existing Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1737-07, passed October 15, 2007, is repealed.

Section 3. That Section 6 of Ordinance No. 1761-A-06, passed December 4, 2006, is amended to read as follows:

Section 6. Any agreements authorized by this ordinance shall comply

with the City of Cleveland's MBE/FEB requirements and all relevant Federal laws, rules, and requirements, including DBE requirements.

Section 4. That Section 6 of Ordinance No. 1761-A-06, passed December 4, 2006, is repealed.

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

Passed November 12, 2007.

Effective November 16, 2007.

**Ord. No. 1771-07.
By Council Members Polensek and Zone.**

An emergency ordinance to name the Information and Technology Center located at the Nottingham Filtration Plant the "Julius Ciaccia Jr. Information and Technology Center".

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 name of the Information and Technology located at the Nottingham Filtration Plant on corner of Chardon Road and St Clair in Ward 11, hereafter shall be "Julius Ciaccia Jr. Information and Technology Center", and that the Director of Public Utilities is authorized and directed to take the necessary action to affect said naming and to post the proper signs.

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 November 12, 2007.

Effective November 16, 2007.

**Ord. No. 1829-07.
By Council Members Pierce Scott, Cimperman, Sweeney, Brady, Brancatelli, Britt, Cleveland, Coats, Conwell, Cummins, Johnson, Keane, Kelley, Lewis, Polensek, Santiago, Turner, Westbrook, White, Zone, Reed and Mayor Jackson (by departmental request).**

An emergency ordinance authorizing the Mayor to enter into a tax-sharing agreement with the City of Avon and various other municipal corporations in Cuyahoga and Lorain Counties for the purpose of sharing in tax revenues generated in the Joint Economic Development Zone located in and around the City of Avon at Interstate 90 and Nagel Road for the purpose of facilitating economic

development associated with the proposed construction of a new interchange and other local transportation infrastructure improvements.

Whereas, Section 715.69 of the Revised Code provides special provisions for the creation of a Joint Economic Development Zone ("JEDZ") and a contract between the City of Cleveland ("Cleveland"), the City of Avon ("Avon") and other Ohio municipal corporations located in Cuyahoga and Lorain Counties ("City" or "Cities") for the purpose of facilitating economic development, including the sharing of income taxes; and

Whereas, Article VIII, Section 13 of the Ohio Constitution also provides to Charter municipalities the authority to engage in economic development activities to facilitate the creation and retention of jobs; and

Whereas, the economies of Cleveland, Avon, and other Cities are adapting to the many challenges they face in the global marketplace; and

Whereas, Cleveland, Avon and the other Cities recognize that it is imperative that they cooperate and collaborate with one another for the benefit of the region and its resident-taxpayers in order to attract and retain businesses and jobs; and

Whereas, Cleveland, Avon and other Cities are desirous of creating a new model for inter-municipal cooperation and revenue sharing so that they may mutually benefit from infrastructure investment decisions supported by the Northeast Ohio Areawide Coordinating Agency ("NOACA") that include a new interchange on Interstate 90 at Nagel Road, widening of selected arterial and collector streets with Avon; 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 Mayor is authorized to enter into a tax-sharing agreement among Cleveland, Avon and other Cities to share income-tax receipts generated through a JEDZ agreement related to the proposed new interchange located on Interstate 90 at Nagel Road.

Section 2. That the agreement authorized by this ordinance generally shall entitle Cleveland and the other Cities to individually share with Avon in the JEDZ's income-tax revenues, which shall be an amount equal to one-half of all new income tax revenues received by Avon from employees that are presently employed in Cleveland or other Cities and that are relocated to Avon.

Section 3. That the agreement authorized by this ordinance shall be consistent with Section 4 of the NOACA Resolution No. 2007-035 adopted on October 12, 2007, a copy of which is placed in File No. 1829-07-A

Section 4. That all payments made to Cleveland by Avon under the agreement authorized by this ordinance shall be deposited in the Cleveland's general fund.

Section 5. That the Mayor is authorized to execute on behalf of Cleveland all necessary documents to effectuate the purposes of this ordinance.

Section 6. That the Administration shall report back to this Council regarding this legislation within six months of the date of its passage.

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 November 12, 2007. Effective November 16, 2007.

Ord. No. 1830-07. By Council Member Cimperman. An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Mijo Z. Peldich to engage in peddling at 4005 Chester Avenue, in Ward 13.

Whereas, pursuant to Section 675.07 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 request of Milo Z. Peldich to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow Laura Chapman to peddle in Ward 13; 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 675.07 of the Codified Ordinances to allow Mijo Z. Peldich to engage in mobile peddling in the public rights of way of Ward 13, at 4005 Chester Avenue.

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 November 12, 2007. Effective November 16, 2007.

COUNCIL COMMITTEE MEETINGS

Monday, November 19, 2007 2:00 p.m.

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

Tuesday, November 20, 2007 9:30 a.m.

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

Wednesday, November 21, 2007 1:30 p.m.

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

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