

# The City Record

Official Publication of the Council of the City of Cleveland



September the Twelfth, Two Thousand and Seven

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
2	Robert J. White .....	9703 Cardwell Avenue	44105
3	Zachary Reed .....	3734 East 149th Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Phyllis E. Cleveland.....	2369 East 36th Street	44105
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1136 East 98th Street	44108
9	Kevin Conwell.....	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Joseph Santiago.....	3169 West 14th Street	44109
15	Brian J. Cummins.....	3104 Mapledale Avenue	44109
16	Kevin J. Kelley.....	6608 Woodhaven Avenue	44144
17	Matthew Zone.....	1228 West 69th Street	44102
18	Jay Westbrook.....	1278 West 103rd Street	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Martin J. Keane.....	15907 Colletta Lane	44111

City Clerk, Clerk of Council – Emily Lipovan, 216 City Hall, 664–2840  
 First Assistant Clerk – Sandra Franklin

**MAYOR** – Frank G. Jackson  
 Ken Silliman, Secretary to the Mayor, Chief of Staff  
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
 Tracy Y. Martin, Executive Assistant to the Mayor, Chief of Education  
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
 Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
 Debra Linn Talley, Director, Office of Equal Opportunity

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

**DEPT. OF FINANCE** – Sharon Dumas, Director, Room 104;  
 Frank Badalamenti, Manager, Internal Audit  
 DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19  
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
 City Treasury – Algeron Walker, Treasurer, Room 115  
 Financial Reporting and Control – James Gentile, Controller, Room 18  
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue  
 Purchases and Supplies – James E. Hardy, Commissioner, Room 128  
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

**DEPT. OF PUBLIC UTILITIES** – Julius Ciaccia, Director, 1201 Lakeside Avenue  
 DIVISIONS – 1201 Lakeside Avenue  
 Cleveland Public Power – Ivan Henderson, Commissioner  
 Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
 Utilities Fiscal Control – Dennis Nichols, Commissioner  
 Water – John Christopher Nielson, Commissioner  
 Water Pollution Control – Ollie Shaw, Commissioner

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

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

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

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

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

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

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

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

**DEPT. OF ECONOMIC DEVELOPMENT** – Brian A. Reilly, Director, Room 210

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

**DEPT. OF CONSUMER AFFAIRS** – Angel Guzman, Director

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

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

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

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

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

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

**BOARD OF SIDEWALK APPEALS** – Service Director Jomarjie Wasik, Law Director Robert J. Triozzi; Councilman \_\_\_\_\_.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, SEPTEMBER 12, 2007

No. 4892

## CITY COUNCIL

MONDAY, SEPTEMBER 10, 2007

### The City Record

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Address all communications to

**EMILY LIPOVAN**

City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

#### MONDAY—Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 10, 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, Westbrook, White and Zone.

Also present were Ken Silliman, Chief of Staff; Valarie J. McCall, Chief of Government Affairs; Debra Linn Talley, Director of Equal Opportunity; and Directors Triozzi, Dumas, Smith, Carroll, Flask, Rush, Rybka, Hutchinson, Reilly, Fumich, Guzman, Griffin, Acting Director Withers, and Teresa Stevenson, Special Assistant to the Mayor for Legislative Affairs.

Pursuant to Ordinance No. 2926-76 a prayer was offered by Sister Alicia Alvarado, OP, of Sisters of St. Dominic. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

File No. 1457-07.

September 10, 2007

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

Dear Ms. Berry:

During the absence of Clerk Emily Lipovan, I request that you serve as Clerk of Council Pro Tempore for the purpose of the Council meeting of September 10, 2007 and any Council matters requiring the Clerk's signature today.

I appreciate your assistance.

Sincerely,  
Martin J. Sweeney,  
President  
Cleveland City Council

Received.

File No. 1458-07.

From the Department of Economic Development, Division of Workforce Development — donation accepted from The Frangos Group. Received.

File No. 1459-07.

From Mary Taylor, CPA, Auditor of State — Financial Report for the fiscal year ending December 31, 2006. Received.

File No. 1460-07.

From Clear Channel Outdoor — contact information for all billboards. Received.

File No. 1461-07.

From the Department of Port Control — Ordinance No. 1850-06, Concession Agreements — notification of acceptance of grants. Received.

File No. 1462-07.

From the City of Richmond Heights — copy of Resolution No. 75-2007 regarding opposing quarterly customer service charge imposed by the City of Cleveland on Water bills. Received.

File No. 1463-07.

From Council Member Kevin J. Kelley, Ward 16 — letter requesting to recuse himself from voting on Ordinance No. 1274-07. Received.

File No. 1464-07.

From St. Martin De Porres High School — school information. Received.

**FROM DEPARTMENT OF  
LIQUOR CONTROL**

**File No. 1465-07.**

Re: New Application — 55641800020 — Marriott Hotel Services, Inc., d.b.a. Cleveland Airport Marriott, 4277 West 150th Street. (Ward 20). Received.

**File No. 1466-07.**

Re: New Application — 5548206 — Market on the Square, Inc., 2020 Center Street, Unit A. (Ward 13). Received.

**File No. 1467-07.**

Re: New Application — 2600190 — F & D Gas, LTD, 3742 Fulton Avenue. (Ward 15). Received.

**File No. 1468-07.**

Re: New Application — 3486987 — Hadayah Ltd, 4142 Rocky River Drive. (Ward 21). Received.

**File No. 1469-07.**

Re: New Application — 8868467 — 3984 Lee Road, LLC., 3984 Lee Road. (Ward 1). Received.

**File No. 1470-07.**

Re: New Application — 6133769 — USAFA II, LLC, d.b.a. Bricco, 1438 Euclid Avenue. (Ward 13). Received.

**File No. 1471-07.**

Re: Transfer of Ownership Application — 8328362 — Snickers, Inc., d.b.a. Snickers Tavern, first floor, basement and patio, 5800, 5806, 5808, 5810 Detroit Avenue. (Ward 17). Received.

**File No. 1472-07.**

Re: Transfer of Ownership Application — 0292783 — Ash Kirat Corporation, d.b.a. Convenient Food Mart #3-030, 788 East 200th Street. (Ward 11). Received.

**File No. 1473-07.**

Re: Transfer of Ownership Application — 2848956 — 4818 Pershing Inc., d.b.a. P & M Gas Mart, 4818 Pershing Avenue. (Ward 5). Received.

**File No. 1474-07.**

Re: Transfer of Ownership Application — 02526680005 — Aramark Sports & Entertainment Services LLC, Sports Bar, first, second, third, fourth floors and mezzanine, 200 Huron Drive. (Ward 13). Received.

**File No. 1475-07.**

Re: Transfer of Ownership Application — 0252635 — Aramark Food Services LLC, d.b.a. Cleveland Zoo, 3900 Wildlife Avenue. (Ward 15). Received.

**File No. 1476-07.**

Re: Transfer of Ownership Application — 1907286 — Mona Dakdouk, d.b.a. Gaza Market, 5407 Fleet Avenue, first floor and basement. (Ward 12). Received.

**File No. 1477-07.**

Re: Transfer of Ownership Application — 3350248 — Greenlite Beverage and Liquor, Inc., d.b.a. Greenlite Beverage & Kiquor, 18235 Euclid Avenue., Unit DD. (Ward 10). Received.

**File No. 1478-07.**

Re: Transfer of Ownership Application — 02526680010 — Aramark Sports & Entertainment Services LLC, d.b.a. Tower City Amphitheater, 351 Canal Road. (Ward 13). Received.

**File No. 1479-07.**

Re: Transfer of Ownership Application — 0252666 — Aramark Entertainment LLC, d.b.a. Great Lakes Science Center, 601 Erieside Avenue & patio. (Ward 13). Received.

**File No. 1480-07.**

Re: Transfer of Ownership Application — 2904185 — Frederico, Inc., 14801 Puritas Avenue. (Ward 20). Received.

**File No. 1481-07.**

Re: Transfer of Ownership Application — 6331968 — Neetu Foods, Inc., 1303 Clark Avenue. (Ward 13). Received.

**File No. 1482-07.**

Re: Transfer of Ownership Application — 9115543 — 12611 15 Shaw Avenue, Inc., d.b.a. MR CS Food Mart, 12611-15 Shaw Avenue. (Ward 10). Received.

**File No. 1483-07.**

Re: Transfer of Ownership Application — 74016270005 — Rite Beverage, Inc., d.b.a. Kinsman Shoprite, 7515 Kinsman Road. (Ward 5). Received.

**File No. 1484-07.**

Re: Transfer of Ownership Application — 6640257 — Paden Enterprises, Inc., d.b.a. Ivy Tavern, 3807-09 Denison Avenue. (Ward 15). Received.

**File No. 1485-07.**

Re: Transfer of Ownership Application — 18795700005 — D.B. Ohio Enterprise, Inc., d.b.a. Food Plus All, 18506 St. Clair Avenue. (Ward 11). Received.

**File No. 1486-07.**

Re: Transfer of Ownership Application — 8022785 — Shahnaz, Inc., d.b.a. Suleyman's Market, 5509 Detroit Avenue, first floor and basement. (Ward 17). Received.

**File No. 1487-07.**

Re: Transfer of Location Application — 2779903 — Flexeco Incorporated, d.b.a. Flex, 2600 Hamilton Avenue. (Ward 13). Received.

**File No. 1488-07.**

Re: Transfer of Ownership and Location Application — 0814235 — Bon Appetite Management Co., 1801 East Ninth Street. (Ward 13). Received.

**File No. 1489-07.**

Re: Transfer of Ownership and Location Application — 7677608 — Saigon Food LLC, 2061 East 4th Street & patio. (Ward 13). Received.

**File No. 1490-07.**

Re: Transfer of Ownership and Location Application — 1173145 — CLV Tavern LLC, 334 Euclid Avenue & patio. (Ward 13). Received.

**File No. 1491-07.**

Re: Transfer of Ownership and Location Application — 8736351 — Sweethearts Cafe, Inc., 3610 Superior Avenue. (Ward 13). Received.

**File No. 1492-07.**

Re: Transfer of Ownership and Location Application — 5755543 — PJ McIntyres Enterprises, LLC, d.b.a. PJ McIntyres Irish Pub, 17119 Lorain Avenue. (Ward 21). Received.

**File No. 1493-07.**

Re: Liquor Agency Contract Application — 3350248 — Greenlite Beverage and Liquor I, d.b.a. Greenlite Beverage & Liquor, 18235 Euclid Avenue, Unit DD. (Ward 10). Received.

**File No. 1494-07.**

Re: Liquor Agency Contract Application — 9115543 — 12611 15 Shaw Avenue, Inc., d.b.a. MR CS Food Mart, 12611-15 Shaw Avenue. (Ward 10). Received.

**STATEMENT OF WORK  
ACCEPTED**

**File No. 1495-07.**

From the Department of Public Utilities — Contract No. 66463 A — Terrace Construction Co. Inc. — Statement of Work Acceptance. Received.

**File No. 1496-07.**

From the Department of Public Utilities — Contract No. 66437 A, Terrace Construction Co. Inc. — Statement of Work Acceptance. Received.

**File No. 1497-07.**

From the Department of Public Utilities — Contract No. 66436 A, Terrace Construction Co. Inc. — Statement of Work Acceptance. Received.

**PLAT**

**File No. 1498-07.**

Avenue District Townhomes Building 2 — Plat. (Ward 13). Received. Referred to Committees on Public Service and City Planning.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1499-07** — Astevé Marion Leeshae "Cookie" Thomas.

**Res. No. 1500-07** — Patricia Fuller Morris.

**Res. No. 1501-07**—Chief William E. Lee.

**Res. No. 1502-07** — Larry Darnell Fleming.

**Res. No. 1503-07**—Gertrude Young.  
**Res. No. 1504-07** — Willie C. Simington.

**Res. No. 1505-07** — Gertrude Mills Hamlett.

**Res. No. 1506-07** — LaJuan Marshall.

**Res. No. 1507-07** — Marcia W. Lari-che.

**Res. No. 1508-07** — Arthur E. Orlean.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 1509-07**—Arnold R. Pinkney.

**Res. No. 1510-07** — Donna Irene Holman Tinsley.

**Res. No. 1511-07** — Pastor Calvin Curtis, Sr.

**Res. No. 1512-07** — Shirley Alene Long.

**Res. No. 1513-07**—Christopher Webb.

**Res. No. 1514-07** — Helen Marie Echols-Scullark.

**Res. No. 1515-07**—Russell J. Moore.

**Res. No. 1516-07** — Julius Ciaccia, Jr.

**Res. No. 1517-07**—First Interstate Properties, Ltd.

**Res. No. 1518-07**—Mark Tomasic.

**Res. No. 1519-07** — Leonard Wisander.

**Res. No. 1520-07** — Flora Stone Mather Early Childhood Center.

**Res. No. 1521-07**—Thomas Edwin Whitney.

**Res. No. 1522-07**—Michael Anthony Kukowski.

**Res. No. 1523-07** — Tyler Joseph Gajdos.

**Res. No. 1524-07**—Harry E. Cooke III.

**Res. No. 1525-07**—Joseph Morgan Evans, Sr.

**Res. No. 1526-07**—Reverend Nathaniel Bolden.

**Res. No. 1527-07**—Antonio & Gregoria Ramos.

**Res. No. 1528-07**—Edward O. "Ned" Handy.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 1529-07**—Chester Foney.

**Res. No. 1530-07**—Chuck Jackson.

**WELCOME RESOLUTION**

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

**Res. No. 1531-07** — Staying Alive 2007 Conference.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

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

**By Council Member Sweeney (by departmental request).**

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

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 up to two years, of the necessary items of various materials, equipment, supplies, and services necessary to improve and update computers, e-mail service, and for server consolidation and remote e-mail access, including but not limited to routers, switches, uninterrupted power supply batteries, and various equipment and ancillary equipment to replace unreliable, unstable, and obsolete equipment, archive e-mail boxes, implement a server consolidation project, and implement the Secure Remote E-mail Access System Project, in the estimated sum of \$57,000, 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.

**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 the Director of Finance 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 implement a server consolidation project and the Secure Remote E-mail Access System Project, including but not limited to assessing, managing, installing, designing, configuring, training, testing, integrating, linking, migrating, optimizing, and other related services.

The selection of the consultants for the 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, approved by the Director of Finance, and certified by the Director of Finance.

**Section 5.** That the cost of the professional services contract or contracts authorized shall be paid from Fund Nos. 01-151100-694050, 11 SF 006, and 20 SF 509, Request No. 142249.

**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. 1398-07.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Mary Taylor, Ohio State Auditor, for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2007 financial statements, and to complete two statements of Auditing Standards for the Divisions of Water and Taxation; and authorizing the Director of Finance to employ one or more professional consultants to prepare financial statements and to provide accounting and auditing training.**

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 enter into one or more contracts with Mary Taylor, Ohio State Auditor, for professional services necessary to complete an independent assessment and to express the opinion of the City whether the 2007 financial statements fairly present the financial position of the City and other things; and to authorize the auditor to complete two statements on Auditing Standards for the Divisions of Water and Taxation.

**Section 2.** That the Director of Finance 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 prepare financial statements and to provide accounting and auditing training.

The selection of the consultants for the 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 3.** That the cost of the contract or contracts authorized shall be in the total approximate sum of \$350,000, and shall be paid from funds appropriated for this purpose in budget year 2008, Request No. 154427.

**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. 1399-07.**

**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 repair and maintain catch basin cleaning trucks, for the Division of Water Pollution Control, Department of Public Utilities, for a two-year period.**

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 repair and maintain catch basin cleaning trucks, 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 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.

**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 170582)

**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. 1400-07.**

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

**An emergency ordinance authorizing the Director of Public Utilities, on behalf of the City of Cleveland, to enter into an agreement with the Ohio Water/Wastewater Agency Response Network (OH WARN) to allow the City to participate in and become a member of the network for reciprocal assistance during emergency response and recovery situations.**

Whereas, the Ohio Water/Wastewater Agency Response Network ("OH WARN") is a group of water and wastewater agencies across the state who have joined together to share resources and to assist each other in the form of personnel, equipment, materials and supplies in the event of emergencies that disrupt utility services; and

Whereas, the City of Cleveland recognizes the need to participate in such a network in the event of overwhelming circumstances which would limit our ability to provide services to our customers and would also enable us to provide assistance to participating members, when needed; and

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

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

**Section 1.** That the Director of Public Utilities, on behalf of the City of Cleveland, is authorized to enter into an agreement with the Ohio Water/Wastewater Agency Response Network (OH WARN) to allow the City to participate in and become a member of the network for reciprocal assistance during emer-

gency response and recovery situations.

**Section 2.** That in any such agreement or agreements, the Director of Public Utilities shall retain authority to determine the extent of aid committed and to decline to respond to a request for assistance if the assistance requested interferes with the Department of Public Utilities' ability to provide the proper level of services to its own customers. The Director of Law shall review all agreements to determine that the terms and conditions are appropriate and consistent with the City's interests.

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

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

**Ord. No. 1401-07.**

**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 Dionex for maintenance of ion chromatograph and appurtenances, including labor and materials, for the Division of Water, Department of Public Utilities, for a period of three 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Dionex. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Dionex on the basis of its proposal dated July 6, 2007, for maintenance of ion chromatograph and appurtenances, including labor and materials, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities, for a period of three years.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 163121.

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

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

**Ord. No. 1402-07.**

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

**An emergency ordinance authorizing the Director of Public Utilities to execute a deed of easement granting to the Cuyahoga Soil and Water Conservation District, or other entities authorized to accept conservation easements, certain easement rights in property located at the Division of Water's Parma Control complex in Parma Heights Ohio and declaring that the easement rights granted are not needed for public use; and authorizing the City to enter into one or more agreements with the Cuyahoga Soil and Water Conservation District, or the authorized entity, to administer the conservation easement.**

Whereas, the easement rights to be granted are not needed for public use; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the property approximately described on the map placed in File No. 1402-07-A is not needed for public use.

**Section 2.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to the Cuyahoga Soil and Water Conservation District, or other entity authorized to accept conservation easements ("Cuyahoga Soil"), at an approximate price of \$14,000 for 13.5 acres, and other valuable considerations, payable from Fund No. 52 SF 001. (RL 163134)

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be for environmental and conservation purposes.

**Section 4.** That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall be assignable without the consent of the Director of Public Utilities.

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

**Section 6.** That the Director of Public Utilities is authorized to enter into an agreement with Cuyahoga Soil, or the entity identified to accept conservation easements, to administer the conservation easement.

**Section 7.** That this ordinance is declared to be an emergency mea-

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

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

**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 to two years, with two one-year options to renew.

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.

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

**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, 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, for a period 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 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.

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

**Ord. No. 1405-07.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 48042 with Standard Parking Corporation to provide shuttle service to international passengers terminating their travel at Cleveland Hopkins International Airport between the existing Federal Inspection Facility and the baggage claim area until a new federal inspection facility is constructed.**

Whereas, currently international passengers terminating their travel at Cleveland Hopkins International Airport ("Airport") are subject to a

double or reverse baggage screening process; and

Whereas, currently international passengers terminating their travel at the Airport, check their baggage upon arrival at the Federal Inspection Facility ("FIS"), currently located in Concourse A, and then walk to the baggage claim area in the main terminal to collect their baggage a second time; and

Whereas, in order to ease this process for in-bound international travelers, the Airport desires to have Standard Parking provide a temporary shuttle service from the FIS to the baggage claim area until such time as the new FIS is constructed; and

Whereas, this action will support requests from the Airport's signatory carriers who desire to improve the baggage claim process quickly to support new international service at the Airport; and

Whereas, plans to construct a new FIS at the Airport are currently being developed; and

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

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

**Section 1.** That the Director of Port Control is authorized to enter into an amendment to Contract No. 48042 ("Amendment") with Standard Parking Corporation ("Standard Parking") permitting Standard Parking to operate a temporary shuttle service for in-bound international travelers arriving at the Airport from the FIS to the baggage claim area until such time as the new FIS is constructed. The cost of this service will be treated as an operating expense and deducted from gross revenues collected by Standard Parking on behalf of the Airport.

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

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

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

**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.

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

**Ord. No. 1407-07.**

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

**An emergency ordinance to name the first unnamed alley west of Bellaire Road (between Matherson Avenue and Leeila Avenue) as Matherson Court S.W.**

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

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

**Section 1.** That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, that the first unnamed alley west of Bellaire Road (between Matherson Avenue and Leeila Ave-

nue) be named as Matherson Court S.W.

**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.

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

**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 bearing 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 bearing 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 dis-

tance 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.

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

**Ord. No. 1409-07.**  
**By Council Members Zone, Brady, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the Board of County Commissioners for the improvement of the Whiskey Island Marina access road; 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 Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: the improvement of the Whiskey Island Marina access road (the "Improvement").

**Section 2.** That the City gives its consent to the Improvement and its administration by the County, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement.

**Section 3.** That the Director of Public Service is authorized to enter into one or more agreements with the County 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:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

(f) After construction of the project is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (OEPA).

**Section 5.** (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the County will arrange for its acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction

called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid manual are met.

(j) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

**Section 6.** That this Council requests the County to proceed with the Improvement.

**Section 7.** That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current Cuyahoga County standards for construction of County roads and bridges.

**Section 8.** That the County will arrange for the supervision and administration of the construction contract.

**Section 9.** That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items are approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** 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. 1410-07.**

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

**An emergency ordinance giving consent of the City of Cleveland to the Board of County Commissioners for the rehabilitation of Brookpark Road Bridge No. 39 over the Rocky River; authorizing the Director of Public Service to enter into any relative agreements; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for 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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: the rehabilitation of Brookpark Road Bridge No. 39 over the Rocky River (the "Improvement").

**Section 2.** That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund 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 County 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 County 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:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County and hold the right-of-way inviolate for

public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code;

(e) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency; and

(f) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

**Section 5.** (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the County will arrange for its acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City.

(f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications.

(i) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and

no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the aforesaid manual are met.

(j) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

**Section 6.** That this Council requests the County to proceed with the Improvement.

**Section 7.** That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current Cuyahoga County standards for construction of County roads and bridges.

(b) That the County will arrange for the supervision and administration of the construction contract for the Improvement.

(c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items are approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of additional supervision of the additional construction.

(d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

(e) That if the Improvement is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the funds.

**Section 8.** That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement, and to enter into one or more agreements with the County as are necessary to finance the Improvement.

**Section 9.** That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** 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. 1411-07.**

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

**An emergency ordinance to vacate a portion of West Lakeside Avenue N.W.**

Whereas, under Resolution No. 1468-06, adopted December 11, 2006 this Council declared its intention to vacate a portion of West Lakeside Avenue N.W.; 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 March 22, 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:

**CANOPY AND ELEVATOR  
LOBBY AREA  
WITHIN WEST LAKESIDE  
AVENUE N.W.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being a parcel within the bounds of West Lakeside Avenue N.W., 99 feet in width, bounded and described as follows:

Beginning on the southeasterly line of said West Lakeside Avenue N.W., at the point distant North 56°-00'-55" East, 31.37 feet as measured along said southeasterly line from the northwesterly corner of Lot "A" as shown by the Map of Lot Split for the Lakeside Complex of part of Original Two Acre Lot Nos. 25, 26 and 27, as shown by the plat recorded in Volume 302 of Maps, Page 10 of Cuyahoga County Records;

Course No. 1: thence northeasterly along a curved line, being the arc of a circle deflecting to the right, 20.32 feet to a point, said curved line having a radius of 55.00 feet and a chord which bears North 32°-17'-32" East, a distance of 20.21 feet;

Course No. 2: thence North 33°-59'-05" West and perpendicular to said southeasterly line of West Lakeside Avenue N.W., 4.37 feet to a point;

Course No. 3: thence northeasterly along a curved line, being the arc of a circle deflecting to the right,

25.79 feet to a point, said curved line having a radius of 30.00 feet and a chord which bears North 56°-00'-55" East, a distance of 25.00 feet;

Course No. 4: thence South 33°-59'-05" East and perpendicular to said southeasterly line of West Lakeside Avenue N.W., 4.37 feet to a point;

Course No. 5: thence northeasterly along a curved line, being the arc of a circle deflecting to the right, 20.32 feet to a point in the southeasterly line of West Lakeside Avenue N.W., said curved line having a radius of 55.00 feet and a chord which bears North 79°-44'-15" East, a distance of 20.21 feet;

Course No. 6: thence South 56°-00'-55" West along said southeasterly line of West Lakeside Avenue N.W., 62.00 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in June, 2005, be the same more or less.

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 SBC.

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 the entities requesting easements 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 resolution 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. 1412-07.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cleveland Foundation for the Making Greater Cleveland Lead Safe Program; to enter into one or more contracts with various agencies, individuals or entities to provide training, planning and execution of a community-wide response to Cleveland's lead poisoning problem, including but not limited to, assessing and renovating lead hazards.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$200,000, and any

other funds that may become available during the grant term from the Cleveland Foundation to conduct the Making Greater Cleveland Lead Safe Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1412-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

**Section 4.** That the Director of Public Health is authorized to enter into one or more contracts with various agencies, entities, or individuals to provide training, planning and execution of a community-wide response to Cleveland's lead poisoning problem, including but not limited to, assessing and renovating lead hazards.

**Section 5.** That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

**Ord. No. 1413-07.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the St. Luke's Foundation for the Making Greater Cleveland Lead Safe Program; to enter into one or more contracts with various agencies, individuals or entities to implement the grant; and to authorize the Director to enter into one or more requirement contracts for the purchase of materials, equipment, supplies, and services necessary to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$400,000, and any other funds that may become available during the grant term from the St. Luke's Foundation to conduct the Making Greater Cleveland Lead Safe Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are

appropriated for the purposes described in the proposal project budget form for the grant contained in the file described below.

**Section 2.** That the proposal project budget form for the grant, File No. 1413-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

**Section 4.** That the Director of Public Health is authorized to enter into one or more contracts with various agencies, entities, or individuals to implement the grant as described in the file.

**Section 5.** That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services necessary to implement the grant as described in the file to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. 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 6.** 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 7.** 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 Health 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 8.** That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

**Ord. No. 1414-07.**  
**By Council Members Britt and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Board of Health for the Lead Investment and Minor Renovation Initiative Program; and to enter into one or more contracts with various agencies, entities, or individuals necessary to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$55,020, and any other funds that may become available during the grant term from Cuyahoga County Board of Health to conduct the Lead Investment and Minor Renovation Initiative ("LAMRI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1414-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts with various agencies, entities, or individuals to implement the program as described in the file.

**Section 4.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 5.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

**Ord. No. 1415-07.**  
**By Council Members Britt and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the St. Luke's Foundation for the Flu Vaccine Program; and authorizing one or more contracts for the purchase from a vendor or vendors of FDA-approved flu vaccines 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 Public Health is authorized to apply for and accept a grant in the approximate amount of \$15,000 from the St. Luke's Foundation, and any other funds that may become available during the grant term, to conduct the Flu Vaccine Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the summary for the grants contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1415-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

**Section 4.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

**Section 5.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than a vendor or vendors who have access to FDA-approved flu vaccines. These vendors are identified on short notice and their supplies are limited. Therefore, the Director of Public Health is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for FDA-approved flu vaccines to be purchased by the Commissioner of Purchases and Supplies, on a unit basis for the Department of Public Health.

**Section 6.** That the cost of the contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

**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.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

**Ord. No. 1416-07.**  
**By Council Members Britt and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Transportation for the Safe Routes 2 School Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant; and authorizing the Director to enter into one or more contracts, or memoranda of under-**

**standing as appropriate, with various agencies, entities, or individuals, including the Cleveland Division of Police, necessary to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$300,000, and any other funds that may become available during the grant term from the Ohio Department of Transportation to conduct the Safe Routes 2 School Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1416-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

**Section 4.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

**Section 5.** That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. 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 6.** 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 7.** 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 Health may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the pur-

chases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 8.** That the Director of Public Health is authorized to enter into one or more contracts, or memoranda of understanding as appropriate, with agencies, entities, or individuals, including the Cleveland Division of Police, to implement the grant as described in the file.

**Section 9.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

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

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

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

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Ozanne Construction Company, Inc., or its designee (the "Redeveloper") no longer needed for public use and located at 1465-67 East 55th Street; 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:

PPN: 104-14-010, 011 and 012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot Numbers 62, 63, 64, 65, 66, 67, 68 and 69 in M. B. Sterling's Allotment of part of Original One Hundred Acre Lot Number 343 as shown by the recorded plat in Volume 5 of Maps, Page 45 of Cuyahoga County Records and together bounded and described as follows:

Beginning at the intersection of the Northerly line of Superior Avenue, N.E. (80 feet wide), and the Easterly line of East 55th Street (100 feet wide); thence Northerly, along said Easterly line of East 55th Street, 270.16 feet to the Southwesterly corner of Sublot No. 62 in said M. B. Sterling's Allotment which point is the principal place of beginning;

Thence continuing along said Easterly line of East 55th Street, 335.00 feet to the Northwesterly cor-

ner of said Sublot No. 69 in M. B. Sterling's Allotment; thence Easterly, along a Northerly line of said Sublot No. 69, 153.00 feet to a point, said point being at the Northwest corner of a "T" turn — around for an alley (10 feet wide); thence Southerly, along the Westerly line of said Alley, 12.00 feet to an angle point therein; thence Easterly, along a line at right angles to said last described line, 7.00 feet to an angle point therein; thence Southerly, along the Westerly line of said alley, 323.00 feet to the Southeast corner of said Sublot No. 62; thence Westerly, along said Southerly line of Sublot No. 62, 160.00 feet to the place of beginning, and containing 53,516 square feet (1.2286 Acres) of land, according to a survey dated November, 1984, by the City of Cleveland, Department of Public Service, Division of Engineering and Construction, Plats and Surveys, be the same more or less, but subject to all legal highways.

**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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

**Ord. No. 1418-07.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into contract with Buckeye (Cleveland) Area Development Corporation, to provide development assistance to partially finance the acquisition, interior renovation, and soft costs of the Moreland Theatre Complex, located at 11810 Buckeye Road, and certain other costs necessary to redevelop the property.**

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the

City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its August 16, 2007 Board Meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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, provided Buckeye (Cleveland) Area Development Corporation submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Buckeye (Cleveland) Area Development Corporation to provide development assistance to partially finance the acquisition, interior renovation, and soft costs of the Moreland Theatre Complex, located at 11810 Buckeye Road, and certain other costs necessary to redevelop the property.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1418-07-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 are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the cost of the contract shall not exceed Two Hundred Eighteen Thousand Dollars (\$218,000), and shall be paid from Fund No. 10 SF 552, which funds are appropriated for this purpose, Request No. 103768.

**Section 4.** That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 550.

**Section 6.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the contract and other appropriate documents needed to complete the transaction autho-

rized by this legislation shall be prepared by the Director of Law.

**Section 8.** The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

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

**Ord. No. 1419-07.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Cuyahoga County Department of Development to provide economic development assistance to partially finance the feasibility study for the Lake Erie Wind Energy 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 Director of Economic Development is authorized to enter into a grant agreement with Cuyahoga County Department of Development to provide economic development assistance to partially finance the feasibility study for the Lake Erie Wind Energy Center.

**Section 2.** That the costs of the grant shall not exceed an amount of \$85,000 and shall be paid from Fund No. 17 SF 652, Request No. 103765.

**Section 3.** That the 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 1420-07.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into contract with**

**the Detroit Shoreway Community Development Organization, to provide development assistance to partially finance the renovation of the Capitol Theatre located at 1400 West 65th Street, and certain other costs necessary to redevelop the property.**

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its July 26, 2007 Board Meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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, provided Detroit Shoreway Community Development Organization submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Detroit Shoreway Community Development Organization to provide development assistance to partially finance renovations to the Capitol Theatre located at 1400 West 65th Street, and certain other costs necessary to redevelop the property.

**Section 2.** That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1420-07-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 are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the cost of the contract shall not exceed One Million Five Hundred Thousand Dollars (\$1,500,000), and shall be paid from Fund No. 10 SF 552, which funds are appropriated for this purpose, Request No. 103764.

**Section 4.** That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 553.

**Section 6.** That the Director of Economic Development is autho-

rized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 8.** The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

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

**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.**

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 127.43 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-07, passed July 11, 2007, is amended to read as follows:

**Section 127.43 Credit Transfer Services**

The Director of Finance is authorized to enter into agreements for credit transfer services on behalf of the various departments of City government and the Clerk of the Cleveland Municipal Court to enable payment of taxes, fees, fines and other charges through the use of a credit card.

**Section 2.** That existing Section 127.43 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-07, passed July 11, 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 Finance, Law; Committees on Legislation, Finance.

**Ord. No. 1424-07.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of law enforcement and related security services at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control, for a period up to one year, with two one-year options to renew, or until local, state, or federal law changes police protection authorization or requirements at the City's airports, whichever first occurs.**

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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for either a period of up to one year, with two one-year options to renew exercisable by the Director of Port Control, or until such time as local, state, or federal law changes the authorization or requirement for police protection at the City's airports, whichever first occurs, of the necessary items of law enforcement and related security services at Cleveland Hopkins International Airport and Burke Lakefront Airport, in the estimated annual sum of \$5,000,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contracts 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 158665)

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

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

**Ord. No. 1426-07.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the execution and delivery of a**

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

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

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

Whereas, pursuant to the Original Cooperative Agreement and Amended Cooperative Agreement and the trust indentures entered into in connection with the Bonds, provision was made for payment of the principal of, premium, if any and interest on the Bonds through the levy by the County of an additional bed tax of 1-1/2% on transactions by which lodging by a hotel is or is to be furnished to transient guests within the County (the "Bed Tax"); and

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

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

Whereas, this ordinance constitutes an emergency measure of the immediate preservation of the public peace, property, health or safety in that authorizing and executing the Amendment at the earliest possible time to facilitate the issuance of the County Notes and the construction of the Archives Project will strengthen an important cultural and economic

development facility within the City by providing additional revenue necessary to pay operation, maintenance and capital costs of the Rock Hall; now, therefore,

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

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

**Section 2. Authorization.** The Mayor is authorized to execute and deliver the First Amendment to Amendment and Restatement of Cooperative Agreement substantially in the form in File No. 1426-07-A with such changes therein as are not substantially adverse to the City as may be approved by the Mayor and the Director of Law. The approval of such changes and the determination that such are not substantially adverse to the City shall be conclusively evidenced by the signing of the First Amendment to Amendment and Restatement of Cooperative Agreement by those officers. The First Amendment to Amendment and Restatement of Cooperative Agreement shall be approved as to form and correctness by the Director of Law. Those officers and the Director of Finance, as appropriate, are also authorized to sign and deliver such certificates, instruments and documents, if any, as are necessary or appropriate to consummate the transactions contemplated by the First Amendment to Amendment and Restatement of Cooperative Agreement.

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

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

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

**Ord. No. 1427-07.**

**By Council Member Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to Cuyahoga County Board of Commissioners.**

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), 126-68-033, as more fully described below, to Cuyahoga County Board of Commissioners.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 126-08-033

**Parcel No. 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40, 58, 59 and 81 in L. Beckman's Re-Subdivision of part of Original One Hundred Acre Lot No. 416 as shown by the recorded plat in Volume 20 of Maps, Page 3 of City and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Westerly line of East 93rd Street (60 feet wide); with the Southerly line of Beckman Avenue, S.E., (40 feet wide); thence South 0° 08' West along the Westerly line of East 93rd Street, 170.05 feet; thence North 89° 35' West, 76.66 feet; thence South 57° 40' West, about 85.95 feet to a point in the Easterly line of East 92nd Street, (40 feet wide); thence North 0° 46' East along said East line of East 92nd Street, about 216.75 feet to the Southerly line of Beckman Avenue, S.E.; thence South 89° 30' East along the Southerly line of Beckman Avenue, S.E., 146.71 feet to the point of beginning, and containing about 26,583 square feet of land, as appears by said plat, be the same more or less, but subject to all legal highways.

**Parcel No. 2**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 58, 59 and 81 and part of Capital Avenue S.E. now vacated in L. Beckman's Re-Subdivision of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 20 of Maps, Page 3 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at a point marked by a drill hole in the Easterly line of East 92nd Street as now established, 40 feet wide, said point being the Southwesterly corner of a parcel of land conveyed to The American Screw Products Company, by deed dated March 2, 1948, and recorded in Volume 6469, Page 336 of Cuyahoga County Records; thence Northeasterly along the Southerly boundary of land so conveyed and forming an angle 57° 09' 52" with the said Easterly line of East 92nd Street, 85.95 feet to an angle point in said Southerly

boundary of land conveyed as aforesaid; thence Easterly deflecting to the right, 32° 45' from the last described course, 59.89 feet to a point that is distant Southeasterly by right angle measurement, 32.4 feet from the first course herein described, produced Northeasterly; thence Southwesterly and parallel to the first course herein described, 148.16 feet to a point, 9.7 feet Northeasterly of the said Easterly line of East 92nd Street, produced Southerly; thence Northwesterly and at right angles to the last described course, 14.05 feet to a point in the said Easterly line of East 92nd Street produced; thence Northerly along the said Easterly line of East 92nd and said Easterly line produced, 21.84 feet to the place of beginning and containing 3,876 square feet of land as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**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.

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

**Ord. No. 1428-07.**  
**By Council Member Cleveland.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 81st Street to Willie Mae Jolly.**

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), 126-30-055, as more fully described below, to Willie Mae Jolly.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 126-30-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 20 in William Brooker's Subdivision of part of Original One Hundred Acre Lot Nos. 423 and 431 as shown by the recorded plat in Volume 5 of Maps, Page 56 of Cuyahoga County Records, and being 50 feet front on the Easterly side of Beckwith Avenue, now known as East 81st Street, and extending back of equal width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**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.

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

**Ord. No. 1429-07.****By Council Member Cleveland.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 81st Street to Terrace Walls.**

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). 126-29-021, as more fully described below, to Terrace Walls.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 126-29-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 27 in William Brooker's Allotment of part of Original One Hundred Acre Lots Nos. 423 and 431 as shown by the recorded plat in Volume 5 of Maps, Page 56 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 81st Street (formerly Beckwith Avenue) and extending back of equal width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**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.

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

**Ord. No. 1431-07.****By Council Member Sweeney.**

**An emergency ordinance authorizing the President of Council to enter into an agreement with TRIAD Research Group, Inc. for professional services to research Census data and population changes in the City.**

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 President of Council is authorized to enter into an agreement with TRIAD Research Group, Inc. for the professional services necessary to examine changes in population of the City and its constituent wards for Cleveland City Council. The agreement shall be certified for \$25,000.00 and shall be certified from fund numbers 632000-01-010100.

**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.

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

**FIRST READING EMERGENCY RESOLUTIONS REFERRED****Res. No. 1422-07.****By Council Member Sweeney (by departmental request).**

**An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2008 and submit it to the County Budget Commission as required by State law, Chapter 5705 of the Revised Code.**

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

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

**Section 1.** That the Council, under the provisions of Chapter 5705 of the Revised Code, after public hearings as required by law, does adopt the statements of the year 2008 requirements for the several funds of the City of Cleveland as being the budget required by state law to be submitted to the County Budget Commission, which requirements are contained in File No. 1422-07-A.

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

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

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

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

**Res. No. 1423-07.****By Council Members Lewis, Brady, Cimperman and Sweeney (by request).**

**An emergency resolution declaring the intent to vacate a portion of Chester Avenue N.E.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Chester Avenue, as described; 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 this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 399 and further bounded and described as follows: Beginning at the intersection of the westerly line of East 82nd Street, formerly Genesee Avenue, (66 feet wide) with the northerly line of Chester Avenue (width varies) as dedicated in Volume 143 of Maps, Page 6 of Cuyahoga County Records;

Course 1: thence along the southerly prolongation of the westerly line of East 82nd Street, South 00° 13' 14" West, a distance of 40.09 feet

Course 2: thence North 82° 30' 06" West, a distance of 288.80 feet to the intersection of the easterly line of East 81 Street, formerly Princeton Street, (45 feet wide) as established by Appropriation Proceedings in Docket 32, No. 8073 Cuyahoga County Probate Court with the northerly line of Chester Avenue as aforesaid;

Course 3: thence along the northerly line of Chester Avenue, North 89° 31' 13" East, a distance of 286.49 feet to the place of beginning and containing 0.1318 acre of land according to a survey by Matthew C. Neff, Ohio Professional Surveyor #7315, of the M Neff Design Group dated November 21, 2006, be the same more or less but subject to all legal highways.

Note: Bearings shown hereon are to an assumed meridian and are used to denote angles only. Monuments described as 5/8" iron pins set are 5/8" diameter by 30" long rebar with cap stamped "M NEFF 7315".

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

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

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

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

**Ord. No. 1425-07.**

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

**An emergency ordinance to amend Section 24 of Ordinance No. 289-06, passed March 27, 2006, as amended, relating to compensation for various classifications.**

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

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

**Section 1.** That Section 24 of Ordinance No. 289-06, passed March 27, 2006, as amended by Ordinance No. 1067-06, passed June 12, 2006, and Ordinance No. 64-07, passed January 22, 2007, is amended to read as follows:

**Section 24. International Brotherhood of Electrical Workers, AFL-CIO, Local 39.** That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Apprentice Cable Splicer.....	\$14.78	\$23.95
2. Apprentice Lineman.....	\$14.89	\$24.13
3. Cable Foreman.....	\$20.92	\$31.33
4. Cable Splicer.....	\$17.46	\$26.25
5. Cable Splicer I.....	\$18.72	\$28.10
6. Cable Splicer II.....	\$17.14	\$25.76
7. Cable Splicer Helper.....	\$12.62	\$22.18
8. Dispatcher Electric System Operator.....	\$17.64	\$26.50
9. Electric Meter Industrial Installer.....	\$18.64	\$28.00
10. Electric Meter Instrument Specialist and General Tester.....	\$18.86	\$28.31
11. Electric Meterman Apprentice.....	\$14.55	\$23.61
12. Electric Meter Service Foremen.....	\$20.92	\$31.33
13. Electric Meter Service Installer I.....	\$17.38	\$26.61
14. Electric Meter Service Installer II.....	\$16.18	\$24.37
15. Electric Motor and Transformer Repairman.....	\$17.38	\$26.11
16. Electric Switchboard Operator Foreman.....	\$20.92	\$31.33
17. Electric Transmission and Distribution Inspector.....	\$18.72	\$28.60
18. Foreman Low Tension.....	\$20.55	\$30.80
19. Gas Turbine Mechanic.....	\$17.38	\$26.61
20. Gas Turbine Mechanic Apprentice.....	\$14.78	\$23.95
21. Junior Electric Switchboard Operator.....	\$14.86	\$22.42
22. Leader Lineman Low-Tension.....	\$19.93	\$29.90
23. Line Foreman.....	\$20.92	\$31.33
24. Line Clearance Man.....	\$14.62	\$23.30
25. Line Helper Driver.....	\$12.44	<del>\$22.84</del>
26. Lineman.....	\$18.72	\$28.10
27. Lineman Leader.....	\$20.06	\$30.07
28. Line Switchman.....	\$20.06	\$30.07
29. Low Tension Lineman.....	\$17.46	\$26.25
30. Low Tension Lineman Apprentice.....	\$14.37	\$23.30
31. Low Tension Trouble Lineman.....	\$18.30	\$29.76
32. Police Division Trouble Lineman.....	\$19.19	\$28.79
33. Safety Signal Trouble Lineman.....	\$19.19	\$28.79
34. Senior Cable Splicer.....	\$19.71	\$29.57
35. Senior Electric Switchboard Operator.....	\$16.39	\$24.65
36. Senior Lineman.....	\$19.71	\$29.57
37. Signal System Powerman.....	\$19.54	\$29.32
38. Telecommunications Technician.....	\$19.54	\$29.32
39. Traffic Signal Control Technician.....	\$20.69	\$31.00
40. Transformer Repairman Foreman.....	\$20.92	\$31.33
41. Trouble Lineman.....	\$19.71	\$29.57
42. Underground Conduit Foreman.....	\$20.92	\$31.33

**Section 2.** That existing Section 24 of Ordinance No. 289-06, passed March 27, 2006, as amended by Ordinance No. 1067-06, passed June 12, 2006, and Ordinance No. 64-07, passed January 22, 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.

**Ord. No. 1430-07.****By Council Member Sweeney.**

**An emergency ordinance authorizing the Director of Finance to make payment to the Maxine Goodman Levin College of Urban Affairs at Cleveland State University for research on the Property Tax Abatement Study for Cleveland City Council.**

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

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

**Section 1.** That the Director of Finance is authorized to make payment in the amount of \$10,000 to the Maxine Goodman Levin College of Urban Affairs at Cleveland State University for completion of research done for the Property Tax Abatement Study for Cleveland City Council. Said payment shall be made from fund numbers 632000-01-010100.

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

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

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

**Ord. No. 1432-07.****By Council Member Conwell.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 9. (Karamo Conteh).**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 9; and

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

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

**Section 1.** That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 9: Karamo Conteh at corner of Phillips Avenue and East 123rd Street.

**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.

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.

**Ord. No. 1433-07.****By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the 30th Annual "Walk of Hope", on October 7, 2007, sponsored by the Catholic Charities Disability Services and Ministries.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 30th Annual "Walk for Hope," sponsored by the Catholic Charities Disability Services and Ministries, on October 7, 2006, leave OLA/St. Joseph Center parking lot on Kenilworth; head east on Kenilworth to W. 11th Street; turn right on W. 11th to Starkweather; turn right on Starkweather to W. 14th Street; turn right on W. 14th to Kenilworth; turn right on Kenilworth to W. 11th; turn left onto W. 11th and walk to University Road; turn right on to University and walk to W. 10th Street; turn right on to W. 10th and walk to stop sign; veer left on to Professor Avenue — staying on the right hand side of the street and walk to Jefferson; turn right on to Jefferson and walk to Starkweather — cross W. 14th to the west side of W. 14th; turn right on to W. 14th Street — cross Kenilworth and return to OLA/St. Joseph Center on the left, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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.

**Ord. No. 1434-07.****By Council Member Sweeney.**

**An emergency ordinance authorizing the President of Council to enter into an agreement with Saint Martin De Porres High School Work Study Program to participate as a sponsor of students for work/study positions with Cleveland City Council.**

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

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

**Section 1.** That the President of Council is authorized to enter into an agreement with Saint Martin de Porres High School Work Study Program in order to participate as a sponsor of students for work/study positions with Cleveland City Council. This agreement shall be entered into as of September 4, 2007 and shall terminate July 31, 2008. Cleveland City Council shall provide sponsorship for up to four students at a time during the term. The agreement shall be certified for \$24,500.00 and shall be certified from fund numbers 632000-01-010100.

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

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

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

**Ord. No. 1456-07.****By Council Members Cimperman, Britt and Cleveland.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Ohio Bishops COGIC, Inc. to stretch banners on Chester at East 22nd, East 23rd, and the west side of East 24th; 65th & Carnegie; East 105th & Carnegie and East 105th & Euclid, for the period from September 11, 2007 to September 20, 2007, inclusive.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Ohio Bishops COGIC, Inc. install, maintain and remove banners on Chester at East 22nd, East 23rd, and the west side of East 24th; 65th & Carnegie; East 105th & Carnegie and East 105th & Euclid, for the period from September 11, 2007 to September 20, 2007, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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. 1435-07.**

**By Council Member Sweeney.**

**An emergency resolution changing the locations of the Council Meetings on September 17, 2007 and October 15, 2007.**

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 the Council of the City of Cleveland shall hold its regular meeting on September 17, 2007 at the Workman's Slovenian Home, 15335 Waterloo Road, at 7:00 p.m. and its regular meeting on October 15, 2007 at Gunning Recreation Center, 4391 West 168th Street at 7:00 p.m.

**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. 1436-07.**

**By Council Member Cimperman.**

**An emergency resolution congratulating the people of our Sister City of Bahir Dar, Ethiopia, and the Amhara National Regional State on the occasion of the second millennium of Ethiopia on September 12, 2007.**

Whereas, Ethiopia is a proud country with a long, rich history; and

Whereas, the earliest known hominid, internationally known as Lucy and classified as Australopithecus Afarensis, was found in Ethiopia by a team from the Cleveland Museum of Natural History in 1974; and

Whereas, Ethiopia is the only country in Africa that was never colonized, with the exception of the 5 years of occupation by the government of Italy; and

Whereas, legend is written of the Queen of Sheba, known as Maq'da in Ethiopia, who journeyed to visit King Solomon, returned to Ethiopia and gave birth to Solomon's son who subsequently became the first Emperor of Ethiopia, Menelik I; and

Whereas, in 330 A.D. Ethiopia was proclaimed a Christian empire; and

Whereas, in the 9th century Ethiopians discovered coffee in the region called Kaffa; and

Whereas, the first Christian Monastery on Lake Tana, Ethiopia's largest lake, was the island church of Sana Qirqos founded during the latter part of the 13th century; and

Whereas, in 1889 King Menelik II of Shoa became Emperor of Ethiopia and ruled until 1913 with the able assistance of his wife, Empress Taytu; and

Whereas, the proud and courageous people of Ethiopia under Menelik II and Taytu defeated the invading Italian army in the Battle of Adwa in 1896; and

Whereas, United States-Ethiopian relations were established on December 27, 1903, by Emperor Menelik and President Theodore Roosevelt; and

Whereas, in 1930, Ras Tafari Mekonnen was crowned as Emperor Haile Selassie of Ethiopia; and

Whereas, Emperor Haile Selassie modernized Ethiopia, kept the country united and largely peaceful; and

Whereas, Ethiopia played a pivotal role in creating the Organization of African Unity (OAU), which was founded on May 25, 1963; and

Whereas, Addis Ababa, Ethiopia, became the headquarters of the OAU and remains the headquarters of its successor, the African Union; and

Whereas, in 1974, Emperor Haile Selassie was ousted from power through a military junta known as the Derg; and

Whereas, in May 1991, the brutal dictatorship of the Derg came to an end after a 17-year reign of terror; and

Whereas, since then, the Ethiopian-American community has grown to become the second largest African immigrant group in the United States; and

Whereas, the capital of the Amhara National Regional State of Ethiopia is the beautiful City of Bahir Dar, on the southern shore of Lake Tana; and

Whereas, the City of Bahir Dar arose in the middle ages around St George Orthodox Church from a cluster of previously pagan villages along the shore of Lake Tana, situated at the mouth of the famous Abay River (Blue Nile), with the thunderous Tis Abay (Blue Nile Falls) 30 km downstream; and

Whereas, the City has 26 medieval island and lakeside Orthodox church monasteries, beautifully painted with the lives of the saints, surviving to this day in continual use - living 'museums' of the rich heritage of Ethiopia; and

Whereas, it is home to the Waito people who continue to build the Nile reed boats, known as 'Tanqua', which have been in constant use on the Nile River and Lake Tana since antiquity; and

Whereas, the City began a period of modernization during the bitterly resisted Italian occupation of 1936-41; and was home to Belay Zallaga, a charismatic leader of the resistance against the Italian occupation, whose statue stands in the center of Bahir Dar; and

Whereas, Bahir Dar has a current population of 250,000 with an annual growth rate of over 7%, and has a fully developed Mayoral and City Council Government, with a recently completed Bahir Dar Integrated Development Plan; and

Whereas, it is a destination and hub of the popular Ethiopian Historical Route Tour; and

Whereas, it is home of Bahir Dar University, founded in 1999 by the union of the School of Pedagogy and the Polytechnic Institute, now with a fulltime student enrollment of over 15,000 and faculty of almost 900; and

Whereas, the City of Bahir Dar became a sister city to Cleveland, Ohio, also on the southern shore of a great inland lake, on July 21, 2004, with the visit of a traditional delegation of 12 Ethiopians from Bahir Dar who participated in the signing of a sister city covenant dedicated to commercial, educational, cultural, and humanitarian development and exchange, and;

Whereas, it is home of the newly designated Abay (Blue Nile) Millennium Riverside Park, 30 km in length, on both sides of the river, commissioned by Regional President Ayalew Gobeze, to be developed and supervised by the municipality under Mayor Yayah Addis for environmental restoration and recreational development; and

Whereas, Bahir Dar is a cheerful and relaxing city to stay in, combining the bustle of city life with the gentler pace of the rural suburbs, and

Whereas, the 8th African Union Summit, held from January 29-30, 2007, officially declared the second

Ethiopian Millennium as the second African Millennium; and

Whereas, this Council congratulates the people of Bahir Dar, the Amhara National Regional State, and Ethiopia on the second millennium of Ethiopia, and recognizes the long rich history of Ethiopia;

Whereas, this Council commends Ethiopia's contribution to peace and stability on the African continent through the role it played in the creation of the Organization of African Unity (OAU);

Whereas, this Council recognizes the longstanding relationship between Ethiopia and the United States, and recognizes the unique sister-city relationship between Bahir Dar, Ethiopia and Cleveland, Ohio; and

Whereas, this Council wishes for a peaceful and jubilant celebration of the second millennium in Bahir Dar and throughout Ethiopia; 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 congratulates the people of our Sister City of Bahir Dar, Ethiopia, and the Amhara National Regional State on the occasion of the second millennium of Ethiopia on September 12, 2007.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Carl Robson, M.D., Chairman Cleveland Core Group, Cleveland, Ohio-Bahir Dar, Ethiopia Sister Cities Organization, Mayor Yayeh Addis of Bahir Dar, 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. 1437-07.**

**By Council Members Coats and Cummins.**

**An emergency resolution calling upon the Ohio General Assembly to create and support legislation to offer educational assistance to all Ohio veterans.**

Whereas, many veterans currently serving our country have put their college educations on hold until returning from active duty; and

Whereas, by law in Ohio, public and private colleges and universities are required to grant leave to students called to active duty and to either refund or offer credit for tuition paid; and

Whereas, with the exception of the Ohio National Guard, which offers 100% tuition assistance, the

State of Ohio does not offer any assistance to its active duty veterans to obtain higher education; and

Whereas, many other states, including Texas, Minnesota, Wisconsin and New York, offer monetary assistance to its active duty veterans to pursue a college education, which assistance often includes 100% tuition payment; and

Whereas, these and other states help fill the gap left by federal assistance in aiding veterans to achieve a higher education; and

Whereas, it is only right that the State of Ohio come to the assistance of its veterans seeking a college education;

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 calls upon the Ohio General Assembly to create and support legislation to offer educational assistance to all Ohio veterans.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all members of the Ohio General Assembly.

**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. 1438-07.**

**By Council Members Pierce Scott and Cummins.**

**An emergency resolution supporting the Home Ownership and Equity Protection Act (HOEPA) that instructs the Federal Reserve Board to protect consumers from predatory lending.**

Whereas, the sub-prime lending industry has grown rapidly in Cleveland during the last few years; and

Whereas, some mortgage brokers and sub-prime lenders aggressively market high-cost home loans that borrowers are unable to repay and engage in other unfair credit practices that strip retirees and working families of the equity they have in their homes; and

Whereas, approximately 80% of sub-prime loans have adjustable interest rates that will increase after two years;

Whereas, sub-prime lenders have made these adjustable rates mortgages without regard for whether the borrower will be able to afford the payments after the rate increases;

Whereas, many borrowers with adjustable rate sub-prime loans were never given a choice between

an adjustable or fixed rate or were promised a fixed rate but given an adjustable rate;

Whereas, approximately 70% of the sub-prime loans were refinancing loans for families who had already bought a home; and

Whereas, more than two-thirds of sub-prime loans have prepayment penalties, compared to just 2% of prime loans

Whereas, prepayment penalties trap borrowers into sub-prime loans with high or adjustable rates and strip their equity; and

Whereas, less than half of all sub-prime loans include taxes and insurance in the monthly payment; and

Whereas, many borrowers of sub-prime loans want to have their taxes and insurance included in their monthly payment, and many borrowers have been misled to believe their payment includes taxes and insurance; and

Whereas, many borrowers end up in foreclosure when they have to make a lump sum payment of their taxes and insurance; and

Whereas, these practices are commonly referred to as "predatory lending"; and

Whereas, these predatory loans have led to an increase in foreclosure rates which hurts the families who are losing their homes as well as the neighborhoods where there are a concentration of foreclosed homes; and

Whereas, these vacant homes attract crime and cost Cleveland money in crime prevention and the deterioration of neighborhoods; and

Whereas, many families have not had an opportunity to modify their loans to make them affordable; and

Whereas, the federal Home Ownership and Equity Protection Act (HOEPA) instructs the Federal Reserve Board to protect consumers from predatory lending (15 U.S.C. §1639 (L) (2)); and

Whereas, any regulations issued by the Federal Reserve Board would have the same effect as law and would cover all mortgage lenders in the country;

Whereas, this Council calls on the Federal Reserve Board to use its authority to: 1) prohibit lenders from making mortgages that quickly become unaffordable after the interest rate increases; 2) stop the misuse and abuse of stated income loans; 3) eliminate prepayment penalties on subprime loans; and 4) designate the failure to escrow taxes and insurance in subprime loans as an unfair and deceptive practice; 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 supports the Home Ownership and Equity Protection Act (HOEPA) that instructs the Federal Reserve Board to protect consumers from predatory lending.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Senator Dodd, Association of Com-

munity Organizations for Reform Now (ACORN), and Mayor Frank 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. 1439-07.**

**By Council Member Zone.**

**An emergency resolution supporting the plan by the Detroit Shoreway Community Development Organization to redevelop a commercial structure at 1400 West 65th Street.**

Whereas, the Detroit Shoreway Community Development Organization (DSCDO) is applying for a loan through the Cuyahoga County Commercial Redevelopment Fund; and

Whereas, this loan is to assist with financing the renovation and adaptive re-use of the Capitol Theatre structure located at 1400 West 65th, Permanent Parcel No. 002-090-24; and

Whereas, the redevelopment plans for the Capitol Theatre include a plan for a 3-screen art and independent movie theater; and

Whereas, this loan would provide financing necessary to fund the redevelopment of the site; 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 this Council supports the plan of the Detroit Shoreway Community Development Organization to redevelop the commercial structure at 1400 West 65th Street.

**Section 2.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Board of Cuyahoga County Commissioners and to the Detroit Shoreway Community Development Organization.

**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. 1440-07.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 7819-21 Cedar Avenue, and repealing Resolution No. 1126-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Nijmah Food Co., LLC, DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent No. 6412877, by Resolution No. 1126-07 adopted by the Council on July 11, 2007; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Nijmah Food Co., LLC, DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 6412877 be and the same is hereby withdrawn and Resolution No. 1126-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1441-07.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 3578 Independence Road, and repealing Resolution No. 937-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to Melissa England, DBA Whiskey River Too, 3578 Independence Road, Cleveland, Ohio 44105, Permanent No. 25216390005, by Resolution No. 937-07 adopted by the Council on June 4, 2007; and

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

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

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

**Section 1.** That objection to a D5 Liquor Permit to Melissa England, DBA Whiskey River Too, 3578 Independence Road, Cleveland, Ohio 44105, Permanent No. 25216390005 be and the same is hereby withdrawn and Resolution No. 937-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1442-07.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the renewals of a D5 and D6 Liquor Permit at 5238 St. Clair Avenue, and repealing Resolution Nos. 1296-06 and 1095-07, objecting to said renewals.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 5238 St. Clair Avenue by Resolution No. 1296-06 adopted by the Council on August 9, 2006 and Resolution No. 1095-07 adopted by the Council on July 11, 2007; and

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

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

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

**Section 1.** That objections to a D5 and D6 Liquor Permit to Wing San, Inc., DBA Golden House Restaurant, 5238 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 9693968 be and the same is hereby withdrawn and Resolution Nos. 1296-06 and 1095-07, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 1443-07.****By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 1311 East 49th Street, and repealing Resolution No. 1008-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Demetrius Pryor, DBA Bull Shooters Bar & Grill, 1311 East 49th Street, Cleveland, Ohio 44114, Permanent No. 7095204, by Resolution No. 1008-07 adopted by the Council on June 11, 2007; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Demetrius Pryor, DBA Bull Shooters Bar & Grill, 1311 East 49th Street, Cleveland, Ohio 44114, Permanent Number 7095204 be and the same is hereby withdrawn and Resolution No. 1008-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1444-07.****By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4323 Payne Avenue, and repealing Resolution No. 1137-07, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to Melissa England, DBA Jack Spratt Pizza, 4323 Payne Avenue by Resolution No. 1137-07 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 Melissa England, DBA Jack Spratt Pizza, 4323 Payne Avenue, Cleveland, Ohio

44103, Permanent Number 2521639 be and the same is hereby withdrawn and Resolution No. 1137-07, 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. 1445-07.****By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3133 Payne Avenue, and repealing Resolution No. 863-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Amy's II, Inc., DBA Amy's, 3133 Payne Avenue, Cleveland, Ohio 44114, Permanent No. 0179073, by Resolution No. 1769-06 adopted by the Council on October 23, 2006; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Amy's II, Inc., DBA Amy's, 3133 Payne Avenue, Cleveland, Ohio 44114, Permanent Number 0179073 be and the same is hereby withdrawn and Resolution No. 1769-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1446-07.****By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of ownership of D1, D2, D3, D3A and**

**D6 Liquor Permit at 6702 St. Clair Avenue, and repealing Resolution No. 1309-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Topcat, LLC, DBA Topcat's Pub & Grill, 6702 St. Clair Avenue, Cleveland, Ohio 44103, Permanent No. 8988551, by Resolution No. 1309-07 adopted by the Council on August 8, 2007; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Topcat, LLC, DBA Topcat's Pub & Grill, 6702 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 898851, be and the same is hereby withdrawn and Resolution No. 1309-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1447-07.****By Council Member Cleveland.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4818 Pershing Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Jatz, Inc., DBA Clark Store 1272, 4818 Pershing Avenue, Cleveland, Ohio 44127, Permanent Number 4253489 to 4818 Pershing, Inc., DBA P & M Gas Mart, 4818 Pershing Avenue, Cleveland, Ohio 44127, Permanent Number 2848956; 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 and C2 Liquor Permit from Jatz, Inc., DBA Clark Store 1272, 4818 Pershing Avenue, Cleveland, Ohio 44127, Permanent Number 4253489 to 4818 Pershing, Inc., DBA P & M Gas Mart, 4818 Pershing Avenue, Cleveland, Ohio 44127, Permanent Number 2848956; 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. 1448-07.**

**By Council Member Cummins.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 3314 Broadview Road, and repealing Resolution No. 1818-06, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to Nyuk Nyuks Bar & Grill, Inc., DBA Nyuk Nyuks, 3314 Broadview Road, Cleveland, Ohio 44109, Permanent

No. 6483695, by Resolution No. 1818-06 adopted by the Council on October 30, 2006; and

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

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

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

**Section 1.** That objection to a transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to Nyuk Nyuks Bar & Grill, Inc., DBA Nyuk Nyuks, 3314 Broadview Road, Cleveland, Ohio 44109, Permanent No. 6483695, be and the same is hereby withdrawn and Resolution No. 2214-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1449-07.**

**By Council Member Johnson.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 3218 East 135th Street, and repealing Resolution No. 1329-07, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 3218 East 135th Street by Resolution No. 1329-07 adopted by the Council on August 9, 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 M & H Food Mart, Inc., DBA Eastside Grocery, 3218 East 135th Street, Cleveland, Ohio 44120, Permanent Number 5379065 be and the same is hereby withdrawn and Resolution No. 1329-07, 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. 1450-07.**

**By Council Member Lewis.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 1054 East 71st Street, and repealing Resolution No. 1398-06, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to Donya K. Hussein, DBA Quick Stop, 1054 East 71st Street by Resolution No. 1398-06 adopted by the Council on August 9, 2006; 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 Donya K. Hussein, DBA Quick Stop, 1054 East 71st Street, Cleveland, Ohio 44103, Permanent Number 2260087 be and the same is hereby withdrawn and Resolution No. 1398-06, 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. 1451-07.**

**By Council Member Polensek.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 18506 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from H M Goldi, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 3471700 to D B Ohio Enterprise, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 18795700005; 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 and C2 Liquor Permit from H M Goldi, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 3471700 to D B Ohio Enterprise, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 18795700005; 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. 1452-07.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 10221 Union Avenue, and repealing Resolution No. 950-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Ezzat, Inc., DBA Unity Food Mart, 10221 Union Avenue, 1st floor, Cleveland, Ohio 44105, Permanent No. 2598338 by Resolution No. 950-07 adopted by the Council on June 4, 2007; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Ezzat, Inc., DBA Unity Food Mart, 10221 Union Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 2598338 be and the same is hereby withdrawn and Resolution No. 950-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1453-07.**

**By Council Member Sweeney.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 13925 Puritas Avenue, and repealing Resolution No. 953-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Michael Alexander Sarkis, LLC, 13925 Puritas Avenue, Cleveland, Ohio 44135, Permanent No. 7744703, by Resolution No. 953-07 adopted by the Council on June 4, 2007; and

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

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

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

**Section 1.** That objection to a C1 Liquor Permit to Michael Alexander Sarkis, LLC, 13925 Puritas Avenue, Cleveland, Ohio 44135, Permanent

Number 7744703, be and the same is hereby withdrawn and Resolution No. 953-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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. 1454-07.**

**By Council Member Turner.**

**An emergency resolution objecting to a New C1 Liquor Permit at 3984 Lee Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 3984 Lee Road, LLC, 3984 Lee Road, Cleveland, Ohio 44128, Permanent Number 8868467; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at 3984 Lee Road, LLC, 3984 Lee Road, Cleveland, Ohio

44128, Permanent Number 8868467, 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. 1455-07.**

**By Council Members Conwell, Pierce Scott, Westbrook and Coats.**

**An emergency resolution supporting Mayor Jackson's proposed amendments to the Ohio Revised Code to limit access to firearms by minors and urges the Ohio legislature to act promptly to consider and pass these amendments.**

Whereas, Mayor Frank G. Jackson working with members of the General Assembly, proposed legislation that was submitted to Ohio's Legislative Service Commission in an effort to improve gun control in the state; and

Whereas, the City has experienced a rapid growth in the number of crimes committed by minors and involving the use of firearms; and

Whereas, research recently conducted by the Mayor's staff on arrest data from the City of Cleveland Division of Police for the years 2004-2006 shows that in each year there is a statistically significant relationship between gun involvement and age of arrestees, with younger arrestees more likely to possess and use guns; and

Whereas, the proposed legislation will give the police another tool to do their job and give our citizens a stronger sense of security; and

Whereas, the proposed amendment to the current gun law seeks to strengthen the penalty section of the state gun law while providing exemptions to allow for adult supervision of those under 21 for lawful hunting, sporting, and educational purposes as well as law enforcement and military officials under the age of 21; and

Whereas, the proposed legislation is supported by State Senators Dale Miller and Shirley Smith, and State Representatives Sandra Williams, Eugene Miller, Michael Foley, Michael Skindell, Tim DeGeeter, Barbara Boyd and Armond Budish, Bay Village Mayor, and Cuyahoga County Mayors and Managers Association President Deborah Sutherland; 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 this Council supports the proposed amendments to the Ohio Revised Code to limit access to firearms by minors and urges the Ohio legislature to act promptly to consider and pass these amendments.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 2.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Johnson, Keane, Kelley, Lewis, Pierce Scott, Santiago, Westbrook, White and Zone.

Those voting nay: Council Members Polensek and Reed.

**MOTION**

By Council Member White, seconded by Council Member Brady, and unanimously carried that the absence of Council Member Nina Turner be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:24 p.m. to meet at 7:00 p.m. on Monday, September 17, 2007 at the Workman's Slovenian Home, located at 15335 Waterloo Road in Ward 11.



Charlene Berry  
City Clerk, Clerk of Council  
Pro Tempore

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

September 5, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 5, 2007, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Flask, Cox,

Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

**Resolution No. 494-07.**

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of August, 2007 in the amount of \$25,376.00 attached and made a part of this resolution, is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

**Resolution No. 495-07.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that all bids received on July 20, 2007, for the purchase of an estimated quantity of industrial paper products and cloth wipes, for the various divisions of City government, for part 1, item nos. 14 & 15 and part 2 under the authority of Ordinance No. 882-07, passed by the Council of the City of Cleveland on June 11, 2007 are rejected.

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

**Resolution No. 496-07.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Graham Enterprises, d.b.a. Aries Distribution, for an estimated quantity of industrial paper products and cloth wipes, for part 1 item nos. 2, 4, 5, 6, 8 and 12, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on July 20, 2007, under the authority of Ordinance No. 882-07, passed on June 11, 2007, which on the basis of the estimated quantity would amount to \$142,776.50, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163195 for \$8,950.00 which shall be certified against the contract in the sum of \$8,950.00.

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

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

**Resolution No. 497-07.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Emerald Supply, Inc., for an estimated quantity of industrial paper products and cloth wipes, for part 1, item nos. 1, 3, 7, 9, 10, 11, 13 and part 3, all items, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on July 20, 2007, under the authority of Ordinance No. 882-07, passed on June 11, 2007, which on the basis of the estimated quantity would amount to \$195,517.36, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition Nos.  
163191 for \$8,950.00  
130761 for \$3,000.00

which shall be certified against the contract in the sum of \$11,950.00.

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

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

Nays: None.

Absent: Mayor Jackson and Director Flask.

**Resolution No. 498-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 2430-03, passed by the Council of the City of Cleveland on February 2, 2004, and Ordinance No. 1036-07, passed on August 8, 2007, BearingPoint, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional consulting services necessary to provide integration and implementation services, including software licenses, software installation, system design, data cleansing, data conversion, end user and technical staff train-

ing, hardware and hardware configuration, system documentation, quality control activities, and other related services to CWD for a new Customer Information System/Customer Relationship Management System (CIS/CRM), for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with BearingPoint, Inc. based upon its proposal dated August 18, 2006, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$16,416,351.60, with a base fee of \$13,680,293.00, and an optional contingency allowance of \$2,736,058.60, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by BearingPoint, Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
KS Associates, Inc. (FBE)	\$ 691,607.00 5.00%
RNR Consulting (MBE)	\$2,074,820.00 15.00%
Oracle Corporation	\$1,209,934.00 8.84%
Skywire Software	\$ 197,106.00 1.44%

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 499-07.**

By Director Ciaccia.

Whereas, Board of Control Resolution No. 470-07, adopted August 22, 2007, amended Resolution No. 246-07, adopted May 23, 2007, authorizing the Director of Public Utilities, to enter into contract with Noce Enterprises Inc. for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, valves, service connections and appurtenances - Area B, all items, for the Division of Water, Department of Public Utilities, by substituting a subcontractor; and

Whereas, Resolution No. 470-07 incorrectly identified Julian Supply as substituted for R-Cap, LTD.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 470-07, adopted August 22, 2007, amending Resolution No. 246-07, adopted May 23, 2007, approving the bid of Noce Enterprises Inc. for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, valves, service connections and ap-

purtenances - Area B, all items, is amended in the third and fourth paragraphs to read that RCap, LTD. is substituted for Julian Supply.

Be it further resolved that all other provisions of Resolution No. 470-07 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 500-07.**

By Director Ciaccia.

Whereas, Board of Control Resolution No. 469-07, adopted August 22, 2007, amended Resolution No. 245-07, adopted May 23, 2007, authorizing the Director of Public Utilities, to enter into contract with Noce Enterprises Inc. for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, valves, service connections and appurtenances - Area A, all items, for the Division of Water, Department of Public Utilities, by substituting a subcontractor; and

Whereas, Resolution No. 469-07 incorrectly identified Julian Supply as substituted for R-Cap, LTD.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 469-07, adopted August 22, 2007, amending Resolution No. 245-07, adopted May 23, 2007, approving the bid of Noce Enterprises Inc. for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, valves, service connections and appurtenances - Area A, all items, is amended in the third and fourth paragraphs to read that RCap, LTD. is substituted for Julian Supply.

Be it further resolved that all other provisions of Resolution No. 469-07 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 501-07.**

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 10, 2007, for labor and materials to maintain and repair low-pressure steam boiler systems and appurtenances for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 251-07, passed March 12, 2007, are rejected.

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

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 502-07.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Aaron Landscaping, Inc., for labor and materials necessary to maintain or replace exterior landscaping and other site landscaping, all items, for the various divisions, Department of Port Control, for a period of two years with two one year options to renew beginning with the date of execution of a contract, received on June 20, 2007, under the authority of Ordinance No. 407-07, passed on April 23, 2007, which on the basis of the estimated quantity would amount to \$276,660.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 168492 which shall be certified against the contract in the sum of \$30,000.00.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by Aaron Landscaping, Inc., is approved:

<u>Subcontractor</u>	<u>MBE/FBE%</u>	<u>Dollar Amount</u>
Thomas Brothers Landscaping, Inc.	18.07% MBE	\$50,000.00
Advanced Industries, Inc., d/b/a Advanced Irrigation Supply	1.21% Non-MBE/FBE	\$ 3,360.00

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

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 503-07.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 905-07, passed by the Council of the City of Cleveland on June 11, 2007, Transystems Corporation is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the East 93rd Street Bridge Replacement (Project Limits from Beckman Avenue to Nevada

Avenue and anticipated work limits from Quincy Avenue to Woodland Avenue),

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with Transystems Corporation based on its proposal dated June 28, 2007, as amended by its revised cost proposal dated August 10, 2007, provided that the compensation to be paid shall not exceed \$460,057.00. The agreement authorized shall be prepared by the Director of Law and shall contain other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Transystems Corporation for the above authorized contract is approved:

Prime Engineering (MBE) — \$36,558.00 — (7.95%)
M V Technologies (MBE) — \$36,000.00 — (7.83%)
KS Associates, Inc. (FBE) — \$28,600.00 — (6.22%)
TBE Group \$27,275.17 — (5.93%)

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

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 504-07.**

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland, that all bids received on July 20, 2007 for auto and truck spring parts and repairs for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 501-06 passed by the Council of the City of Cleveland on May 1, 2006 be and the same are rejected.

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

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 505-07.**

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland that all bids received on July 11, 2007, for the public improvement of the Highland Hills Cemetery roof replacement, for the Department of Public Service, under the authority of Ordinance No. 735-06, passed on June 12, 2006, by the Council of the City of Cleveland, be and the same are rejected.

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

Nays: None.  
Absent: Mayor Jackson.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 24, 2007**

**9:30 A.M.**

**Calendar No. 07-171:** 6700 Harvard Avenue (Ward 12)

George Glyptis, owner, appeals to erect a 24 square foot free-standing sign in front of an existing restaurant in a General Retail Business District on the southeast corner of Harvard Avenue and East 67th Street at 6700 Harvard Avenue; the proposed sign being in the vision clearance triangle and 6 feet high from grade, where signs shall be located and designed so as to maintain a substantially clear view between 2.5 feet and 8 feet above grade in a triangle formed by intersecting street right-of-way lines and a line 30 feet from the point where the street lines intersect, according to Section 350.08(b) of the Codified Ordinances.

**Calendar No. 07-172:** 4462 Denison Avenue (Ward 15)

Brenda Lovell Wakut, owner, appeals to install a fence and concrete pad at the rear property line of a mixed use building, contrary to one of the conditions imposed with a variance granted by the Board of Zoning Appeals in Calendar No. 06-221, for expansion of a restaurant, provided that appellant maintain a 20 foot distance from the rear property line, where appellant now proposes a further expansion with paving, fencing and occupying the required 20 foot clear area and requires approval from

the Board of Zoning Appeals, according to the provisions of Section 359.01 of the Codified Ordinances.

**Calendar No. 07-173:** 961-63 East 128th Street (Ward 9)

Russell Miller, owner, appeals to enclose a second floor front porch of a two family dwelling, situated on a 36' x 100' parcel in a Two-Family District on east side of East 128th Street at 961-63 East 128th Street; the proposed enclosure projects 9 feet and no enclosed porch may project more than 4 feet nor aggregate a vertical area in any story more than 20 percent of the area of the facade in that story, as stated in Section 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 07-177:** 11204 Lorain Avenue (Ward 19)

Aziz Syed, owner, appeals to change a retail store to a barber-shop in an existing two-story building located in a Residence Office District on the north side of Lorain Avenue at 11204 Lorain Avenue; subject to the limitations of Section 357.10(c) the proposed use is not permitted but first permitted in a Local Retail Business District; and no substitution or change in non-conforming use shall be permitted except by special permit from the Board of Zoning Appeals and such special permit issued only if the Board finds, after public hearing, that such substitution or other change is no more harmful or objectionable than the previous nonconforming use, in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises, or in any other characteristic of the new use as compared with the previous use, as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 07-184:** 495 Miller Court (Ward 13)

Ted Sarko, owner, appeals to construct a 20' x 32' three-story dwelling and detached garage proposed to be on a 41.5' x 36' parcel on the southeast corner of Miller Court and West 5th Street at 495 Miller Court; contrary to Section 355.04, the lot space is 1,458 square feet and 4,800 square feet is required; the lot coverage provided is 1,262 square feet contrary to 747 square feet; with 1 foot provided for the front yard, contrary to Section 357.04(a) that requires 10 feet; and a 3 foot rear yard contrary to 20 feet as stated in Section 357.08(b)(1) of the Codified Ordinances.

**Calendar No. 07-185:** 493 Miller Court (Ward 13)

Ted Sarko, owner, appeals to construct a 20' x 32' three-story dwelling and detached 12' x 18' garage proposed to be on a 43.5' x 36' parcel on the southeast corner of Miller Court and West 5th Street at 493 Miller Court; contrary to Section 353.05, the proposed garage is 4.6 feet from the proposed dwelling where 10 feet is required and contrary to Section 355.04, the lot space

is 1,566 square feet and 4,800 square feet is required; the lot coverage provided is 1,262 square feet contrary to 783 square feet; with 1 foot provided for the front yard, where Section 357.04(a) requires 10 feet; and a 3 foot rear yard where Section 357.08(b)(1) requires 20 feet; and Section 357.09(2)B states that no interior side yard shall be less than 5 feet in width for a corner lot nor shall the aggregate width of side yards be less than 10 feet, and 20.6 feet and zero are provided; with a roof overhang extending 2 feet over the property line, contrary to Section 357.13(c)(5) that requires it to be not less than 1 foot away from the property line, according to the provisions for Side Yard Encroachments as stated in the Codified Ordinances.

**Calendar No. 07-120:** 2033-2107 Clover Avenue (Ward 14)

JOS Development Inc., owner, appeals to erect five new townhouses in two separate buildings of two and three units, proposed to be situated on two consolidated parcels located in a Two-Family District on the northeast corner of Clover Avenue and West 19th Street at 2033-2107 Clover Avenue; subject to the limitations of Section 337.03(a) a multiple dwelling building of more than two units is not permitted; and contrary to Section 355.04, the proposed lot size of 7,926 square feet exceeds fifty percent of the lot size, or 5,183.5 square feet that is allowed; and a 10 foot distance is proposed between the main building and a rear building, where there may not be less than 40 feet as stated in Section 357.15(a) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 10, 2007**

At the meeting of the Board of Zoning Appeals on Monday, September 10, 2007, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 07-160:** 12530 Union Avenue

Walter Brown appealed to expand an existing day care to an adjacent property in a Two-Family District; subject to conditions.

**Calendar No. 07-166:** 368 Cleveland Road

Erievew Homes II Limited Partnership appealed to erect a 14' x 20' accessory garage on a corner lot in a One-Family District; subject to condition.

**Calendar No. 07-169:** 3301 Monroe Avenue

Brandon Partners appealed to establish use as materials recycling, processing and storage operation on an acreage parcel in a General Industry District; subject to conditions.

**Calendar No. 07-170:** 305 Overlook Park Drive

Sue Helper appealed to erect an enclosed entry way at the front of a one family dwelling in a One-Family District.

The following appeal was **Denied:**

None.

The following appeal was **Withdrawn:**

**Calendar No. 07-105:** 3995 Jennings Road

Daniel Cudnik appealed to erect a second free-standing sign in an Unrestricted Industry District.

The following appeal was **Dismissed:**

None.

The following appeals were **Postponed:**

**Calendar No. 07-168:** 1250 Riverbed Street postponed to October 15, 2007.

**Calendar No. 07-102:** 15206 Aldene Avenue - Violation Notice postponed to October 22, 2007.

The appeals heard by the Board September 4, 2007 will remain pending for adoption and approval by the quorum of the voting members of the Board.

In Executive Session on September 10, 2007, the following appeal heard by the Board on June 11, 2007 was adopted and approved:

The following appeal was **Approved:**

**Calendar No. 07-54:** 3455 Campbell Road

Norfolk Southern Corporation, owner, and FPT Weingold, LLC, lessee, appealed to use an acreage parcel for a scrap yard in an A3 Unrestricted Industry District; subject to conditions.

Secretary

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

Re: Report of the Meeting of September 5, 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-97-07.**

RE: Appeal of Mario Grgic, Owner of the Residential Property located on the premises known as 17506 Harland Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and

Housing, dated April 20, 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 in four (4) weeks.

\* \* \*

**Docket A-102-07.**

RE: Appeal of Billie J. Linville, Owner of the One Dwelling Unit Single Family Residential Property located on the premises known as 3973 East 66th Street from a 30 DAY FIRE DAMAGE REPAIR — MS of the Director of the Department of Building and Housing, dated June 28, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to abate the exterior violations to present a presentable structure and six (6) months in which to abate all violations on the property with extensions, if progress is satisfactory to the inspector; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-104-07.**

RE: Appeal of U.S. Bank, N.A. fka Firststar bank, N.A. fka Star Bank, N.A., Mortgagee of the One Dwelling Unit Single Family Residential Property located on the premises known as 3024 West 105th Street from a 30 DAY CONDEMNATION ORDER of the Director of the Department of Building and Housing, dated May 22, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and clean the inside of the property and 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. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-110-07.**

RE: Appeal of Rasmieh M. Albana C/O The Design Firm/Aref Shafik, Owner/Contractor of the Two Dwelling Units Two-family Residential Property located on the premises known as 12505 Cooley Avenue from a NOTICE OF VIOLATION — POOR WORKMANSHIP of the Director of the Department of Building and Housing, dated July 18, 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 for poor workmanship was properly issued; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-111-07.**

RE: Appeal of Victor Halm (POA) William Halm, Owner of the Nite Clubs, Restaurants Three Story Masonry Walls/Wood Floors Property located on the premises known as 2710 Lorain Avenue from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated July 5, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that the Appellant apply for all the required permits within thirty (30) days; to cease use of the basement and to limit the first floor to 49 until these permits are obtained; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-112-07.**

RE: Appeal of Wilbert T. Nyamayedenga, Owner of the One Dwelling Unit Single Family Residential Property located on the premises known as 10821 St. Mark Avenue from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated July 3, 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 DENY the appeal and to REMAND the property at 10821 St. Mark Avenue to the Department of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

\* \* \*

**Docket A-119-07.**

RE: Appeal of Forest Bay Tower LLC, Owner of the Property located on the premises known as 100 Public Square from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated June 6, 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 units to remain as they are located, noting that there is an access door and that any inconvenience required to maintain the units are being borne by the owner and he has agreed to that, and he is knowledgeable and apparently there are surface valves and other requirements available to them. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-122-07.**

RE: Appeal of MidFirst Bank, Mortgagee of the One Dwelling Unit Single Family Residential Property located on the premises known as 14801 Lakeshore Boulevard from a 7 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated May 24, 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 DENY the appeal and to REMAND the property at 14801 Lakeshore Boulevard to the Department of Building and Housing for further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

A-98-07—Joseph & Charles Kovach  
A-99-07—Residential Funding Co.

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

\* \* \*

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

A-105-07—Beauty M. Tolbert.

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

\* \* \*

Separate motions were entered by Mr. Bradley and seconded by Mr. Gallagher for Approval and Adoption of the Resolutions as presented by the Secretary for the following Docket, subject to the Codified Ord-

nances of the City of Cleveland and the Ohio Building Code (OBC):

A-108-07—Quigley Realty, LLC.

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

\* \* \*

**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):

August 22, 2007

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

\* \* \*

Secretary

**PUBLIC NOTICE**

**COUNCIL MEETING  
SEPTEMBER 17, 2007**

Notice is hereby given that the Council of the City of Cleveland will hold its regular meeting on Monday, September 17, 2007 at 7:00 p.m. at Workman's Slovenian Home, 15335 Waterloo Road, Cleveland, Ohio.

Emily Lipovan,  
Clerk of Council

September 12, 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 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

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

**WEDNESDAY, SEPTEMBER 19, 2007**

**File No. 244-07 — Mohican Park Parking Lot Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1513-05, passed by the Council of the City of Cleveland, October 17, 2005.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, SEPTEMBER 13, 2007 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

September 5, 2007 and September 12, 2007

**THURSDAY, SEPTEMBER 20, 2007**

**File No. 243-07 — Zelma W. George Recreation Center Roof Replacement Project**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 489-07, passed by the Council of the City of Cleveland, June 4, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, SEPTEMBER 13, 2007 AT 10:00 A.M., ZELMA W. GEORGE RECREATION CENTER, 3155 MARTIN LUTHER KING DRIVE, CLEVELAND, OHIO 44114.

September 5, 2007 and September 12, 2007

**WEDNESDAY, SEPTEMBER 26, 2007**

**File No. 245-07 — Purchase of Electrical Parts and Equipment, Including Labor, Materials and In-**

**stallation, If Necessary to Maintain, Repair and Modify Electrical Systems**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 191-07, passed by the Council of the City of Cleveland, March 12, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 14, 2007 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

**File No. 246-07 — Digital Dry Printer**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 2280-04, passed by the Council of the City of Cleveland, December 13, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, SEPTEMBER 14, 2007 AT 11:00 A.M., CONVENTION CENTER, PHOTO LAB, 4TH FLOOR, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 5, 2007 and September 12, 2007

**FRIDAY, SEPTEMBER 28, 2007**

**File No. 247-07 — Hydrofluosilicic Acid (Re-Bid)**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 14, 2007 AT 2:00 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 5, 2007 and September 12, 2007

**WEDNESDAY, OCTOBER 3, 2007**

**File No. 248-07 — Purchase of Radiator, Heater Core Air Charged Coolers and Tank Repair or Replace**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, SEPTEMBER 17, 2007 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

September 5, 2007 and September 12, 2007

**FRIDAY, OCTOBER 5, 2007**

**File No. 249-07 — Wireless Data Cards and Services**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1258-06, passed by the Council of the City of Cleveland, October 16, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 21, 2007



AT 10:30 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 5, 2007 and September 12, 2007

WEDNESDAY, OCTOBER 3, 2007

File No. 241-07 — Various Anti-Freeze and Coolant, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, SEPTEMBER 24, 2007 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

September 12, 2007 and September 19, 2007

THURSDAY, OCTOBER 4, 2007

File No. 242-07 — Automotive and Truck Wheel Alignment Service General Repair Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, SEPTEMBER 25, 2007 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 253-07 — Purchase of Electronic Single Space Parking Meters, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1060-07, passed by the Council of the City of Cleveland, August 8, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, SEPTEMBER 21, 2007 AT 10:00 A.M., DIVISION OF PARKING FACILITIES, 2ND FLOOR, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 12, 2007 and September 19, 2007

FRIDAY, OCTOBER 5, 2007

File No. 250-07 — Board Up Contract, Area 3, for the Division of Code Enforcement, Department of Building and Housing, as authorized by Ordinance No. 696-06, passed by the Council of the City of Cleveland, May 15, 2006.

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

THERE WILL BE A MANDATORY PRE-BID MEETING MONDAY, SEPTEMBER 24, 2007 AT 10:00 A.M., DIVISION OF BUILDING AND HOUSING, CLEVELAND CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 251-07 — Board Up Contract, Area 4, for the Division of Code Enforcement, Department of Building and Housing, as authorized by Ordinance No. 696-06, passed by the Council of the City of Cleveland, May 15, 2006.

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

THERE WILL BE A MANDATORY PRE-BID MEETING MONDAY, SEPTEMBER 24, 2007 AT 10:00 A.M., DIVISION OF BUILDING AND HOUSING, CLEVELAND CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 12, 2007 and September 19, 2007

WEDNESDAY, OCTOBER 17, 2007

File No. 252-07 — Labor and Material to Maintain Water Pumps Including Pumps, Electric Motors, Controls and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 250-07, passed by the Council of the City of Cleveland, March 12, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 21, 2007 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 12, 2007 and September 19, 2007

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, September 10, 2007 2:00 p.m.

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

Tuesday, September 11, 2007 9:30 a.m.

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

Wednesday, September 12, 2007 10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Brady, Vice Chair; Polensek, Coats, Kelley, Cummins, Turner, Santiago. Authorized Absence: Britt.

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