

# The City Record

Official Publication of the Council of the City of Cleveland



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May the Thirtieth, Two Thousand and Seven

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**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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FAIR CAMPAIGN FINANCE COMMISSION** – Chris Warren, C. Ellen Connolly, 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 – India Pierce Lee, Chair; Laura M. Noble, Vice Chair; Robert Brown, Thomas Coffey, Jennifer Coleman, Lee, Michael Rastatter, Jr., John Torres, Ari Maron, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; 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 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 Ryan	12A
Judge Angela R. Stokes	15C
Judge Joan Synenberg	13C
Judge Pauline H. Tarver	12C
Judge Joseph J. Zone	14D

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 94

WEDNESDAY, MAY 30, 2007

No. 4877

## CITY COUNCIL

MONDAY, MAY 28, 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:** Sweeney, Chair; Britt, Kelley, Pierce Scott, Santiago, Westbrook, White.

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

#### ORDINANCE

**Ord. No. 408-07.**  
By Council Members Kelley, Cimperman and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing and maintaining runways, taxiways, ramps, roads, and other concrete surfaces for the various divisions of the Department of Port Control, and authorizing the Director to enter into one or more public improvement requirement contracts for the **making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of

repairing and maintaining runways, taxiways, ramps, roads, and other concrete surfaces for the various divisions of the Department of Port Control, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

**Section 2.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, with two one-year options to renew, for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. **The first of the one-year options to renew shall not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew shall be exercisable at the option of the Director of Port Control without the necessity of obtaining additional authority of this Council.** Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 3.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 158683)

**Section 4.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 5.** That 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.

**BOARD OF CONTROL**

May 23, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 23, 2007, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors 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. 240-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1105-06, passed by the Council of the City of Cleveland on October 30, 2006, H2N Design 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 services necessary to design, layout, produce, and distribute 2006 and 2007 Annual Reports and other customer public information and promotional materials, 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 H2N Design Inc. based upon its proposal dated December 29, 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 \$138,350.00, 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 H2N Design Inc. for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
LMT Productions (FBE)	\$ 5,000.00 3.61%
Tony Haynes Photography (MBE)	\$16,000.00 11.56%
Fine Line Litho Inc.	\$28,000.00 20.24%

Diskcopy LLC	\$ 4,650.00 3.36%
Joseph Thach Nguyen	\$ 1,400.00 1.01%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 241-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Libby Construction Co., Inc. under Contract No. 65919 for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, service connections and appurtenances - Area A, for the Division of Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
Terrace Construction Company, Inc.	\$50,000.00 2.41%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 242-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Libby Construction Co., Inc. under Contract No. 65920 for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, service connections and appurtenances - Area B, for the Division of Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
Terrace Construction Company, Inc.	\$50,000.00 2.52%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 243-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Libby Construction Co., Inc. under Contract No. 65918 for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, service connections and appurtenances - Area C, for the Division of

Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
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Terrace Construction Company, Inc.	\$50,000.00 1.95%
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Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 244-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Noce Enterprises Inc. under Contract No. 65967 for an estimated quantity of labor and materials necessary to repair or replace water mains, fire hydrants, service connections and appurtenances - Area D, for the Division of Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
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Terrace Construction Company, Inc.	\$50,000.00 2.35%
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Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 245-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that 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, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on March 8, 2007, under the authority of Ordinance No. 1018-05, passed August 3, 2005, which on the basis of the estimated quantity would amount to \$3,198,850.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 162423 which shall be certified against the contract in the sum of \$500,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the labor and materials, whether more or less than the

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Noce Enterprises Inc. for the above-mentioned service is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Corlett Trenching and Plumbing (MBE)	\$ 479,827.56 15.00%
United Ready Mix, Inc. (MBE)	\$ 10,000.00 0.31%
Julian Supply (FBE)	\$ 31,988.50 1.00%
Libby Construction Co., Inc.	\$2,509,079.92 78.44%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 246-07.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that 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 B, all items, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the labor and materials, received on March 8, 2007, under the authority of Ordinance No. 1018-05, passed August 3, 2005, which on the basis of the estimated quantity would amount to \$2,961,858.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 162426 which shall be certified against the contract in the sum of \$500,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Noce Enterprises Inc. for the above-mentioned service is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Corlett Trenching and Plumbing (MBE)	\$ 444,278.77 15.00%
United Ready Mix, Inc. (MBE)	\$ 2,000.00 0.07%
Julian Supply (FBE)	\$ 29,618.59 1.00%
Libby Construction Co., Inc.	\$2,359,215.00 79.65%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 247-07.**

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 2380-02, as amended by Ordinance Nos. 468-04 and 1853-06, passed by the Council of the City of Cleveland on December 16, 2002, April 26, 2004 and December 11, 2006, respectively, the firm of HNTB Ohio, Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to prepare planning studies for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with HNTB Ohio, Inc., based upon its Statement of Qualifications dated January 11, 2007, and its Scope of Work dated April 18, 2007, provided that the compensation to HNTB Ohio, Inc., for the services authorized shall not exceed \$100,000.00 which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by HNTB Ohio, Inc., is approved:

<u>Subconsultant Classification</u>	<u>Dollar Percentage</u>
ASC Group, Inc. DBE	\$ 2,000 2%
Aerofinity, Inc. DBE	\$14,000 14%
McGuiness Unlimited, Inc. DBE	\$ 2,000 2%

HZW Environmental Consultants, LLC DBE	\$ 1,000 1%
DAR Public Relations, Inc. DBE	\$ 2,000 2%
<b>Total</b>	<b>\$21,000 21%</b>

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 248-07.**

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of West Shore New Holland, Inc. for an estimated quantity of various Ford agricultural and construction parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on March 23, 2007, under the authority of Ordinance No. 501-06, passed by the Council of the City of Cleveland on May 1, 2006, which on the basis of the estimated quantity would amount to \$100,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 177605 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 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: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 249-07.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Ballast Construction, Inc. (FBE) for the public improvement of Johnston Park Station Fence Improvements, for Base Bid Items 1 - 6 including the 10% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on December 7, 2006, under the authority of Ordinance No. 448-07, passed on April 30, 2007, upon a unit basis for the improvement in the aggregate amount of \$31,608.50, is affirmed and ap-

proved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Ballast Construction, Inc. (FBE) for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
Caver Brothers (MBE)	\$1,580.00 4.81%
McTech (MBE)	\$1,080.00 3.41%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 250-07.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 135-04-011, located at East 93rd Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1478-06 passed April 16, 2007, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Erica L. Sanders has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1478-06 passed April 16, 2007, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Erica L. Sanders for the sale and development of Permanent Parcel No. 135-04-011, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$700.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 251-07.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program

according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 107-25-005, 107-25-013, 107-25-017 and 107-25-023, located at East Boulevard and East 105th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1269-05 passed August 3, 2005, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Fedco Services, LLC has proposed to the City to purchase and develop the parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1269-05 passed August 3, 2005, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Fedco Services, LLC for the sale and development of Permanent Parcel Nos. 107-25-005, 107-25-013, 107-25-017 and 107-25-023, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$52,000.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 252-07.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 126-07-045 and 126-07-076 located at Folsom in Ward 6; and

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

Whereas, Union Grove Baptist Church, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Union Grove Baptist Church for the sale and development of Permanent Parcel Nos. 126-07-045 and 126-07-076 located at Folsom, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$100.00 each, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 253-07.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 004-03-095 located at Freeman Avenue in Ward 14; and

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

Whereas, Joseph E. Chura, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Joseph E. Chura for the sale and development of Permanent Parcel No. 004-03-095 located at Freeman Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is determined

to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 254-07.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 008-13-055 located at Buhler in Ward 13; and

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

Whereas, Tremont West Development Corporation, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Tremont West Development Corporation for the sale and development of Permanent Parcel No. 008-13-055 located at Buhler, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

**Resolution No. 255-07.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 002-05-059 located at Goodwalt Avenue in Ward 17; and

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

Whereas, A. Brendan and Patricia Walton, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with A. Brendan and Patricia Walton for the sale and development of Permanent Parcel No. 002-05-059 located at Goodwalt Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 256-07.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 138-23-055 located at East 146th Street in Ward 1; and

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

Whereas, Melvin Nunnally, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Melvin Nunnally for the sale and development of Permanent Parcel No. 138-23-055 located at East 146th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Acting Director Dangerfield, Director Wasik, Acting Directors Bialostosky, Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.  
Nays: None.  
Absent: None.

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, JUNE 11, 2007**

**9:30 A.M.**

**Calendar No. 07-71:** 4500 West 130th Street (Ward 20)  
Gary Weiss, a.k.a. B.M.W. Realty Company, Inc. and Joseph Valore appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from a Notice of Violation issued by the Building and Housing Department on April 16, 2007 for unauthorized use, according to the provisions of Section 327.02(c) of the Codified Ordinances.

**Calendar No. 07-72:** 4614 West 130th Street (Ward 20)  
Gary Weiss, a.k.a. B.M.W. Realty Company, Inc. and Joseph Valore appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Codified Ordinances from a Notice of Violation issued by the Building and Housing Department on April 16, 2007 for unauthorized use, according to the provisions of Section 327.02(c) of the Codified Ordinances.

**Calendar No. 07-73:** 5105 Barkwill Avenue (Ward 11)  
Ronald Burrell, owner, appeals to erect a 14' x 70' two-story single family dwelling with an attached garage, proposed to be situated on a 30' x 113.26' parcel located in a B1 Two-Family District on the north side of Barkwill Avenue at 5105 Barkwill Avenue; contrary to Section 355.04 a minimum lot width of 30' is provided and 40' is required and the maximum gross floor area of 1,914 square feet exceeds fifty percent of the lot size, or 1,697 square feet; and where a 3' minimum interior side yard is required, 2'- 6" and 1'- 3" are provided contrary to Section 357.09(2)B; and no building shall be erected less than 10' from a building on an adjoining lot as stated in Section 357.09(2)A of the Codified Ordinances.

**Calendar No. 07-74:** 885 East 146th Street (Ward 10)  
The Cleveland Municipal School District, owner, and Jeffrey Henderson, agent, appeal to construct a two-story Kindergarten through Eighth Grade public school building, proposed to be situated on an acreage parcel located in a Two-Family District on the east side of East 146th Street between East 146th and East 147th Streets at 885 East 146th Street; where the proposed building and uses are subject to the provisions of Sections 337.02(f)(3)(A), required to be not less than 30' from any adjoining premises in a residence district not used for a similar purpose and subject to the Board of Zoning Appeals approval; and contrary to Section 355.04, the gross floor area of lot coverage proposed is 43,750 square feet and the permitted maximum building coverage, one-half of the lot size, equals 17,500 square feet; with parking proposed on a separate lot across the street in a Two-Family District and 74 spaces being required, according to the provisions of Section 349.04(c) of the Codified Ordinances.

**Calendar No. 07-91:** 3360 East 79th Street (Ward 5)  
Myron Levine, owner, appeals for a modification of the Resolution issued by the Board of zoning Appeals in Calendar No. 06-265, conditionally granting a change of use and the enclosure of appellant's property with a 7' high opaque fence or wall, with a condition that "the existing 7' cyclone fence with fabric covering be redone with slats as provided in the Zoning Code" in order to allow relief from Section 345.04(a)(1)(C)(4) that requires 50,000 square feet of lot space and a change use from a junk yard, as classified in the Zoning Code Sections 345.04(a)(1)(C)(3), to dismantling of motor vehicles, and storage of motor vehicles pending wreckage or dismantling, and processing of scrap metals on a 55' x 325' irregular shaped corner lot located in a General Industry District.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**TUESDAY, MAY 29, 2007**

At the meeting of the Board of Zoning Appeals on Tuesday, May 29, 2007, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 07-62:** 1449 West 58th Street  
Ohio Conference Association of the 7th Day Adventist Church appealed to erect a two-story church building for assembly and educational purposes and a 31 car parking lot in a Two-Family District; subject to conditions.

**Calendar No. 07-65:** 4219 West 15th Street  
Margaret Kerfonta appealed to construct a wolmanized wooden ramp at the front of a one family dwelling in an A1 One-Family District.

**Calendar No. 07-36:** 8000 Euclid Avenue  
John R. and Barbara Linn appealed to construct a retail store building in split zoning between a General Retail business District and a Multi-Family District; subject to conditions.

The following appeal was **Denied:**

**Calendar No. 07-61:** 3274 West 126th Street  
Letisa Berry appealed to expand use and include a day care in a one family dwelling in a Two-Family District.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeals were **Postponed:**

**Calendar No. 07-63:** 2327 West 5th Street postponed to June 11, 2007.

**Calendar No. 07-64:** 2337 West 5th Street postponed to June 11, 2007.

**Calendar No. 07-42:** 2222 Detroit Avenue postponed to July 2, 2007.

In Executive Session on May 29, 2007, the following appeals heard by the Board on May 21, 2007 were ratified.

The following appeals were **Approved:**

**Calendar No. 07-48:** 3420 East 93rd Street  
3420 East 93rd Street Company appealed to construct a 60 unit apartment building in split zoning between a General Retail District and a Two-Family District.

**Calendar No. 07-59:** 1954 East 124th Place  
Alan Swick appealed to erect a two-story room addition to a single family dwelling in a Multi-Family District.

The following appeal was **Denied:**

None.

Secretary

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

Re: Report of the Meeting of May 2, 2007

The following Docket was omitted from the Report of the Meeting of May 2, 2007, which appeared in the May 9, 2007 City Record:

\* \* \*

**Docket A-42-07.**

RE: Appeal of Rubin Freund, Owner of the Two Story Masonry Walls/Wood Floors Low Hazard Semi-Industry Property located on the premises known as 18711 St. Clair Avenue (a.k.a. 18707 St. Clair Avenue) from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Director of the Department of Building and Housing, dated February 1, 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 violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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

Re: Report of the Meeting of May 16, 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-24-07.**

RE: Appeal of Polster Family Trust, Etc., Owner of the Two Story Masonry Multi-Family Property located on the premises known as 8610 Franklin Avenue (a.k.a. 8611 Detroit Avenue) from a 30 DAY CONDEMNATION ORDER of the Director of the Department of Building and Housing, dated January 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 grant the Appellant thirty (30) days in which to develop and submit preliminary plans to the Building Department for redevelopment of the project; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-45-07.**

RE: Appeal of Aurzene Cleggett, Owner of the Two Dwelling Units Two-Family Residential Property located on the premises known as 2969 East 83rd Street from a FORTH-WITH CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated March 19, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for an "Extension of Time", and to REMAND the property at 2969 East 83rd Street 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. Saunders.

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

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**Docket A-47-07.**

RE: Appeal of CCO Mortgage Corporation, Mortgagee of the One Dwelling Unit Single Family Residential Property located on the premises known as 4234 East 126th Street from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated March 14, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to perform the exterior maintenance, and one hundred twenty (120) days in which to submit permits for permanent improvements; the property is REMANDED at this time to the Department of the Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

**Docket A-50-07.**

RE: Appeal of John Katsaros, Owner of the Property located on the premises known as 11633 Clifton Boulevard from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 2, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-50-07 has been POSTPONED; to be rescheduled for May 30, 2007.

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**Docket A-52-07.**

RE: Appeal of United Discount, Owner of the Property located on the premises known as 1240 East 55th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated April 20, 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 abate the violations cited by the Fire Prevention Bureau; the property is REMANDED at this time to Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-54-07.**

RE: Appeal of 1717 East 9th Street LLC, Owner of the Property located on the premises known as 1717 East 9th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 26, 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 building to be maintained as it is, with the existing egress per current codes, with the provision that the deed indicates this issue and the shared power and water issues, and to require that the electric service to the garage be in a two-hour enclosure from the exterior of the building wall to the disconnect switch in the garage; drawings are to be presented to the Building Department indicating these issues to their satisfaction. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

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**Docket A-57-07.**

RE: Appeal of MRN Ltd., Owner of the Property located on the premises known as 2701 East 4th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 13, 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 variance and permit the renovation to proceed as proposed on the plans, with the exit through the alley through a compliant exit door to the west and using the back door to the gated area with the provision that the gate be connected to the fire

alarm in a manner satisfactory to the Fire Prevention Bureau and that a sign be posted and maintained by the Owner stating that this is a NO PARKING AREA, and that a letter be submitted for the alley to the east regarding that it is Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

\* \* \*

**Docket A-62-07.**

RE: Appeal of Lynda Greene, Owner of the Two Dwelling Units Two-Family Two & One-half Story Wood Frame/Siding/Masonry Veneer Residential Property located on the premises known as 3620 East 118th Street from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated April 13, 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 variance and permit the repairs to remain as they are, with the requirement that the space shall not be used as a living space; 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, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

\* \* \*

**Docket A-64-07.**

RE: Appeal of Dennis Fiorelli, Owner of the Three Dwelling Units Three Family Residential Property located on the premises known as 2924 Bridge Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 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 to grant the variance and permit the air conditioner condensing unit to remain where it is, noting the agreement of the neighbors and the obvious detrimental aspects to relocating the air conditioner. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

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**Docket A-66-07.**

RE: Appeal of First Interstate/Steelyard Commons, LLC, Owner of the Property located on the premises known as 3355-3571 Steelyard Drive from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated May 4, 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 variance to the current code and permit construction to be constructed and occupied as proposed by the Appellant. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

**Docket A-67-07.**

RE: Appeal of St. Vitus Church, Owner of the Property located on the premises known as 6019 Lausche Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated May 14, 2007, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the grab bar installation to proceed as designed, noting that granting the variance to the 48" requirement to 43", and noting that it does not relieve the Appellant from any future Federal ADA requirements. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley 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-15-07—Associated Estates Management Co.
- A-36-07—Marianne Jarosiak.
- A-37-07—Jack Weingold.
- A-38-07—Danford K. Jones.
- A-40-07—Garlin Rudolph.
- A-42-07—Rubin Freund.
- A-44-07—GMAC Mortgage Corporation.
- A-49-07—John Katsaros.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

May 2, 2007

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

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, June 11, 2007  
9:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning

will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 11, 2007, at 9:00 a.m., to consider the following ordinance now pending in the Council:

**To be introduced Monday, June 4, 2007**  
By Council Member Brady.

An ordinance establishing a Pedestrian Retail Overlay District (PRO) along Lorain Avenue between West 110th Street and West 123rd Street.

**To be introduced Monday, June 4, 2007**  
By Council Member Brady.

An ordinance to change the Use District of property on both sides of Lorain Avenue between West 119th Street and West 123rd Street from a General Retail Business District to a Local Retail Business District.

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

Joseph C. Cimperman  
Chairman  
Committee on City Planning

May 30, 2007 and June 6, 2007

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**FRIDAY, JUNE 8, 2007**

**Fence Installation, Maintenance and/or Repair**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 369-07, passed by the Council of the City of Cleveland, April 16, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 1, 2007 AT 1:30 P.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**Vitrified Clay Pipe**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 1, 2007 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, WPC RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

May 23, 2007 and May 30, 2007

**THURSDAY, JUNE 14, 2007**

**City of Cleveland Parking Garage Repairs and Alterations**, for the Division of Architecture/Division of Parking Facilities, Department of Public Service/Department of Parks, Recreation & Properties, as authorized by Ordinance Nos. 837-05, 838-05, 840-05, 842-05 and 843-05, all passed by the Council of the City of Cleveland, June 6, 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 (NO COMPANY CHECKS AND NO CASH WILL BE ACCEPTED).**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 31, 2007 AT 2:00 P.M., CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM #517, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

May 23, 2007 and May 30, 2007

**WEDNESDAY, JUNE 20, 2007**

**Various Daimler Chrysler Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, JUNE 11, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

May 23, 2007 and May 30, 2007

**WEDNESDAY, JUNE 27, 2007**

**Liquid Alum and Alum Blend Coagulants**, 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** WEDNESDAY, JUNE 6, 2007 AT 11:00 A.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 23, 2007 and May 30, 2007

**THURSDAY, JUNE 14, 2007**

**Miles Heights Park Site Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 690-07, passed by the Council of the City of Cleveland, pending.

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, JUNE 7, 2007 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

**Pro3 Cert Kits (Re-Bid)**, for the Division of Safety Administration, Department of Public Safety, as authorized by Ordinance No. 1272-06, passed by the Council of the City of Cleveland, September 18, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, JUNE 11, 2007 AT 10:30 A.M., DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 30, 2007 and June 6, 2007

**FRIDAY, JUNE 15, 2007**

**Fence Installation, Maintenance and/or Repair**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 406-07, passed by the Council of the City of Cleveland, April 23, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 8, 2007 AT 11:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

May 30, 2007 and June 6, 2007

**WEDNESDAY, JUNE 20, 2007**

**Maintain or Replace Exterior Landscaping for the Various Divisions of the Department of Port Con-**

**trol**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 407-07, passed by the Council of the City of Cleveland, April 23, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 8, 2007 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

**Paper Contract**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 636-07, passed by the Council of the City of Cleveland, May 7, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, JUNE 11, 2007 AT 11:00 A.M., DIVISION OF PRINTING, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 30, 2007 and June 6, 2007

### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 849-07.**

**By Council Member Brady.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 3655-57 Bosworth Road, 1st floor, and repealing Resolution No. 749-07, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3655-57 Bosworth Road, 1st floor by Resolution No. 749-07 adopted by the Council on May 7, 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 the transfer of ownership of a D5 Liquor Permit to Marjorie E. Frierson, DBA Bosworth Tavern, 3655-57 Bosworth Road, 1st floor, Cleveland, Ohio 44111, Permanent Number 2932986 be and the same is hereby withdrawn and Resolution No. 749-07, 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.

Adopted May 21, 2007.  
Effective May 25, 2007.

**Res. No. 850-07.**

**By Council Member Coats.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 625 East 140th Street, 1st floor.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Moes Stop One, Inc., 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 6081178 to Yellow Store, LLC, DBA The Yellow Store, 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 92623650005; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Moes Stop One, Inc., 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 6081178 to Yellow Store, LLC, DBA The Yellow Store, 625 East 140th Street, 1st floor, Cleveland, Ohio 44110, Permanent Number 92623650005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 21, 2007.

Effective May 25, 2007.

**Res. No. 852-07.**

**By Council Member Brancatelli.**

**An emergency resolution declaring this Council's support of the proposal of Edgewood Park, LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.**

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Edgewood Park, LP is proposing to develop up to 71 housing units on several parcels located southeast of the intersection of East 55th and Lufkin Avenue in the City of Cleveland; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 50% of these housing units will serve a special needs population, permanent supportive housing for homeless individuals and/or persons with severe and persistent mental illness; and

Whereas, support services will be made available, both on and off site, to these individuals; and

Whereas, Edgewood Park LP proposal will benefit the citizens of the City; and

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

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

**Section 1.** That this Council hereby declares its support of the proposal of Edgewood Park LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Directors of Emerald Development & Economic Network, Inc. and Cleveland Housing Network, Inc.

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

Adopted May 21, 2007.

Effective May 25, 2007.

**Res. No. 853-07.**

**By Council Member Santiago.**

**An emergency resolution declaring this Council's support of the proposal of the Catholic Charities Housing Corporation to the U.S. Department of Housing & Urban Development Section 202 Supportive Housing for the Elderly.**

Whereas, each year the U.S. Department of Housing and Urban Development allocates funding for affordable housing developments throughout the region using a competitive proposal process; and

Whereas, the Catholic Charities Housing Corporation has developed a comprehensive plan to identify those areas that would be appropriate for housing developments for the elderly; and

Whereas, the Catholic Charities Housing Corporation is proposing to develop up to 45 apartment housing units for the elderly at the northeast corners of Fulton and Meyer Avenue in the City of Cleveland; and

Whereas, 100% of the units will be affordable to seniors age 62 and older; and

Whereas, the Catholic Charities Housing Corporation proposal will benefit the citizens of the City; and

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

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

**Section 1.** That this Council hereby declares its support of the proposal of the Catholic Charities Housing Corporation to the U.S. Department of Housing & Urban Development Section 202 Supportive Housing for the Elderly.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Director of the Catholic Charities Housing Corporation.

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

Adopted May 21, 2007.

Effective May 25, 2007.

**Res. No. 855-07.**

**By Council Member Cummins.**

**An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 2071-75 Broadview Road, and repealing Resolution No. 1395-06, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit to 2071-75 Broadview Road by Resolution No. 1395-06 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 D5 Liquor Permit to Couple of Paisans, DBA Raging Bull Tavern, 2071-75 Broadview Road, Cleveland, Ohio 44109, Permanent Number 1775791 be and the same is hereby withdrawn and Resolution No. 1395-06, 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.

Adopted May 21, 2007.

Effective May 25, 2007.

**Res. No. 858-07.**

**By Council Member Lewis.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 7114 St. Clair Avenue, 1st floor.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Faz, Inc., DBA Mihcic Café, 7114 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2661193 to Jam Rock, LLC, DBA Mihcic Café, 7114 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 4235476; 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, prosper-

ty, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Faz, Inc., DBA Miheic Café, 7114 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2661193 to Jam Rock, LLC, DBA Miheic Café, 7114 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 4235476; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 21, 2007.

Effective May 25, 2007.

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**Res. No. 862-07.**  
**By Council Member Cimperman.**  
**An emergency resolution objecting to the transfer of ownership of a D5A and D6 Liquor Permit to 1111 Lakeside Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5A and D6 Liquor Permit from Roc Lakeside, Inc., DBA Holiday Inn Lakeside City Center, 1111 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 7454008 to Cami Beverage Services, LLC, DBA Holiday Inn, 1111 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 1206261; 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 D5A and D6 Liquor Permit from Roc Lakeside, Inc., DBA Holiday Inn Lakeside City Center, 1111 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 7454008 to Cami Beverage Services, LLC, DBA Holiday Inn, 1111 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 1206261; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 21, 2007.

Effective May 25, 2007.

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**Res. No. 863-07.**  
**By Council Member Cimperman.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3133 Payne 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 Sam Khatib, Inc., DBA Amy Beverage & Deli, 3133 Payne Avenue, Cleveland, Ohio 44114, Permanent Number 7701687 to Amy's II Inc., DBA Amy's, 3133 Payne Avenue, Cleveland, Ohio 44114, Permanent Number 0179073; 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 Sam Khatib, Inc., DBA Amy Beverage & Deli, 3133 Payne Avenue, Cleveland, Ohio 44114, Permanent Number 7701687 to Amy's II Inc., DBA Amy's, 3133 Payne Avenue, Cleveland, Ohio 44114, Permanent Number 0179073; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 21, 2007.

Effective May 25, 2007.

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**Res. No. 864-07.**  
**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 5915 St. Clair Avenue, and repealing Resolution No. 1298-06, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 5915 St. Clair Avenue by Resolution No. 1298-06 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 JDH, Inc., DBA Convenient Food Mart, 5915 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 4174429 be and the same is hereby withdrawn and Resolution No. 1298-06, 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.

Adopted May 21, 2007.

Effective May 25, 2007.

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**Ord. No. 576-07.**

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

**An emergency ordinance authorizing the Director of Public Safety to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, for the COPS Universal Hiring Program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, in the total amount of \$2,250,000 to conduct the COPS Universal Hiring 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 grant proposal contained in the file described below.

**Section 2.** That the grant proposal for the grant, File No. 576-07-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$3,512,610, from Fund No. 01-600200-507000, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

Passed May 21, 2007.

Effective May 25, 2007.

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**Ord. No. 580-07.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice to conduct the COPS in School Program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$1,250,000 and any other funds that may become available during the grant term from the United States Department of Justice to conduct the COPS in 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 set forth in the grant proposal for the grant contained in the file described below.

**Section 2.** That the grant proposal for the grant, File No. 580-07-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the approximate sum of \$670,870, from Fund No. 01-600200-507000, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

Passed May 21, 2007.

Effective May 25, 2007.

**Ord. No. 584-07.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts without competitive bidding with Hewlett-Packard Co. for maintenance on computer hardware and software, for the Department of Community Development.**

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

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

**Section 1.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Hewlett-Packard Co. The Director of Community Development is authorized to make one or more written contracts with Hewlett-Packard Co. on the basis of its proposal dated February 16, 2007, for maintenance on computer hardware, to be purchased by the Commissioner of Purchases and Supplies, for the Department of Community Development for a period of one or two years. The Director of Community Development is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Community Development by comparing the bids received for both terms.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund Nos. 01-800101-661200 and 14 SF 032, Request No. 149545.

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

Passed May 21, 2007.

Effective May 25, 2007.

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**Ord. No. 641-07.**

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

**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality; and authorizing the Director to enter into one or more contracts needed to operate the Division of Air Quality.**

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

accept a grant in the approximate amount of \$2,837,491.00, and any other funds that become available during the grant term, from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality in accordance with the purposes set forth in the summary; that the Director of Public Health 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 in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 641-07-A, made a part as if fully rewritten herein, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$285,000, from Fund No. 01-500701-639905, and an in-kind contribution valued at \$108,000, in order to receive the grant from the Ohio Environmental Protection Agency, as a pass-through from the U.S. Environmental Protection Agency.

**Section 3.** 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 for the grant period of the necessary items of materials, equipment, services, and supplies needed as described in the file, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Air Quality, 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 grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

**Section 5.** That 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 each or all of the following items during the term of the grant: various types of monitoring equipment, OEPA-required equipment, and their associated parts, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Air Quality, Department of Public Health.

**Section 6.** That, under Section 167 of the Charter of the City of Cleve-

land, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving air monitoring sites and other similar structures on City-owned and city-leased property (the "Improvement"), for the Division of Air Quality, Department of Public Health, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

**Section 7.** That the Director of Public Health is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 8.** That the Director of Public Health is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

**Section 9.** 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 10.** That the Director of Public Health is authorized to enter into one or more contracts with one or more various entities or agencies to implement the grant as described in the file.

**Section 11.** That the cost of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and from the cash match.

**Section 12.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 13.** 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 14.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 21, 2007.

Effective May 25, 2007.

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**Ord. No. 642-07.**

**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 Office of Procurement and Diversity for the Lead Case Management Expansion Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services to implement the grant; authorizing a contract with Hoover, Inc. for vacuums and a contract with Thermo Electron Corporation dba Nitro for XRF machines; authorizing the Director to employ one or more professional consultants to perform assessments; and authorizing one or more contracts with various agencies, entities, or individuals 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 \$468,912, and any other funds that may become available during the grant term from Cuyahoga County Office of Procurement and Diversity to conduct the Lead Case Management Expansion 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. 642-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

**Section 3.** That the Director of 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 for the period 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 Director Public 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 this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Hoover, Inc. Therefore, the Director of Public Health is authorized to make one or more written contracts, during the term of the grant, with Hoover, Inc., for hypoallergenic HEPA vacuums, to be purchased by the Commissioner of Purchases and Supplies, for a gross price for the Department of Public Health.

**Section 9.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Thermo Electron Corporation dba Niton. Therefore, the Director of Public Health is authorized to make one or more written contracts, during the term of the grant, with Thermo Electron Corporation dba Niton for XRF machines, to be purchased by the Commissioner of Purchases and Supplies, for a gross price for the Department of Public Health.

**Section 10.** That the Director of Public Health is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform assessments.

The selection of the consultants for the services shall be made by the Board of Control on the nomi-

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

**Section 11.** That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

**Section 12.** 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 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 21, 2007.

Effective May 25, 2007.

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**Ord. No. 643-07.**  
**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 Commission on Minority Health for the Minority Health Planning Program; and authorizing the Director to employ one or more professional consultants 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 \$42,000, and any other funds that may become available during the grant term from the Ohio Commission on Minority Health to conduct the Minority Health Planning 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 budget for the grant contained in the file described below.

**Section 2.** That the budget for the grant, File No. 643-07-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 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 the grant as described in the file, which includes, but is not limited to, strategic planning, conducting focus groups, data analysis, facility rental, and advertising.

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

**Section 6.** 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 which are 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.

Passed May 21, 2007.

Effective May 25, 2007.

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**Ord. No. 644-07.**  
**By Council Members Britt and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.**

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

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

**Section 1.** That the Director of Public Health is authorized to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.

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

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

Passed May 21, 2007.  
Effective May 25, 2007.

**Ord. No. 648-07.**  
**By Council Members Pierce Scott and Sweeney (by departmental request).**  
**An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 33 from the United States Government; 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 Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 033, RL 149549, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program incurred in Fund 19 following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

**Section 2.** That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Passed May 21, 2007.  
Effective May 25, 2007.

**Ord. No. 846-07.**  
**By Council Member Sweeney.**

**An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 201-06, passed February 6, 2006, relating to fees for publications and 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 113.12 of the Codified Ordinances of the City of Cleveland, 1976, as amended by Ordinance No. 201-06 passed February 6, 2006, is hereby amended to read as follows:

**Section 113.12 Fees for Publications and Services**

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance parts reflecting all code sections and amendments passed by Cleveland City Council complete through June 10, 2003:

<u>Unit</u>	<u>Cost</u>
Charter	\$ 7.03
Part I. Administrative Code	\$ 28.10
Part II. Health Code	\$ 17.04
Part III. Land Use Code, Planning and Housing	\$ 14.94
Part III. Zoning Code	\$ 10.40
Part III. Land Use Code, Housing Code	\$ 14.25
Part III. Land Use Code, Fire Prevention Code	\$ 19.60
Part III. Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 28.10
Part VI. Offenses and Business Activities Code	\$ 19.75
Complete Set	\$241.00

A complete set of the Codified Ordinances includes the Charter and all Parts, the General Index, User's Guide, tabbed dividers and binder.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the previous 12 months.

(c) The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from January 1, 2006 through December 31, 2006:

<u>Supplement Unit</u>	<u>Cost</u>
Charter	\$ 10.56
Part I.	\$ 23.82
Part II.	\$ 16.61
Part IIIa.	\$ 14.57
Part IIIb.	\$ 7.14
Part IIIc.	\$ 15.48
Part IIId.	\$ 14.57
Part IIIe.	\$ 6.79
Part IV.	\$ 6.06
Part V.	\$ 20.62
Part VI.	\$ 10.18
Complete Bound Set	\$125.13

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with divisions (a) and (c) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

**Section 2.** That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.201-06, passed February 6, 2006, is hereby repealed.

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

Passed May 21, 2007.  
Effective May 25, 2007.

**Ord. No. 847-07.****By Council Member Cleveland.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Burten, Bell, Carr Development to stretch banners at the northwest corner of Quincy and Unwin & the southwest corner of Quincy and Unwin, for the period from June 9, 2007 to July 9, 2007, inclusive, publicizing the 2nd Annual Ward 5 Family Festival.**

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 Burten, Bell, Carr Development to install, maintain and remove banners at the northwest corner of Quincy and Unwin & the southwest corner of Quincy and Unwin for the period from June 9, 2007 to July 9, 2007, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 21, 2007.  
Effective May 25, 2007.

**Ord. No. 851-07.****By Council Member Britt.**

**An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Senior Outreach Services, Inc. for the Senior Outreach Services Health Promotion and Socialization Program through the use of Ward 6 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of the Department of Aging is authorized to enter into an agreement with Senior Outreach Services, Inc.

for the Senior Outreach Services Health Promotion and Socialization Program for the public purpose of providing social support services to senior citizens residing in the City of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$29,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 21, 2007.  
Effective May 25, 2007.

**Ord. No. 854-07.****By Council Members Sweeney, Turner, Reed and Britt.**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Case Western Reserve University for the Shipwreck Camp Project through the use of Ward(s) 20, 1, 3, and 6 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Case Western Reserve University for the Shipwreck Camp Project for the public purpose of providing educational activities to youth residing in the city of Cleveland through the use of Ward(s) 20, 1, 3, and 6 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$8,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 21, 2007.  
Effective May 25, 2007.

**Ord. No. 856-07.****By Council Member Sweeney and Council Member Pierce Scott.**

**An emergency ordinance establishing the City of Cleveland as a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection with this Community Reinvestment Area.**

Whereas, Section 3735.65 et seq. of the Ohio Revised Code authorizes municipalities to designate Community Reinvestment Areas where certain criteria have been met; and

Whereas, the City of Cleveland is an area in which housing facilities or structures of historical significance are located, and new construction and repair of existing facilities or structures are discouraged; and

Whereas, The Ohio Constitution, Article VIII, Section 16, has recognized Housing to be a proper public purpose and programs to promote housing to be in the public interest; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating a Community Reinvestment Area will encourage housing development; now therefore,

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

**Section 1.** Based upon information and data presented to this Council and contained in File No. 856-07-A, it is found and determined that the City of Cleveland is an area in which housing facilities or structures of historical significance are located and new construction and repair of existing facilities or structures are discouraged.

**Section 2.** That all of the area within the municipal boundaries of the City of Cleveland, as depicted on the zoned boundary map contained in File No. 856-07-B, is designated a Community Reinvestment Area under Section 3735.65 et seq. of the Ohio Revised Code.

**Section 3.** That the construction of new residential structures and the remodeling of existing residential structures in the Community Reinvestment Area are declared to be a public purpose for which exemptions from real property taxation, at 100% of the dollar amount by which the new construction or remodeling increased the assessed market value of the property, shall be granted in the following manner in accordance with Ohio Revised Code Section 3735.67:

(a) The owner of any such real property in the Community Reinvestment Area may file an application with the Housing Officer for an exemption from real property taxation for a period of 15 years for 100% of the assessed taxes for new construction projects consisting of one and two family residential properties and multi-family residential structures consisting of three or more units.

(b) The owner of any such real property in the Community Reinvestment Area may file an application with the Housing Officer for an exemption from real property taxation for a period of 12 years for

100% of the assessed taxes for the remodeling of existing multi-family residential structures consisting of three or more units where remodeling costs are greater than \$15,000 per unit or \$500,000 per structure.

(c) The owner of any such real property in the Community Reinvestment Area may file an application with the Housing Officer for an exemption from real property taxation for a period of 10 years for 100% of the assessed taxes for the remodeling of one and two family residential properties where remodeling costs are greater than \$2,500.

(d) For mixed-use projects, defined as those containing both residential and commercial components, only the residential component is eligible for tax abatement in accordance with the approved schedule.

**Section 4.** Effective January 1, 2010, all owners of real property in the Community Reinvestment Area that file an application with the Housing Officer for an exemption from real property taxation, must demonstrate that new construction or remodeling meets Energy Star standards, according to criteria established by the City of Cleveland based on the United States Environmental Protection Agency and the United States Department of Energy guidelines, in order to be eligible for residential tax abatement.

**Section 5.** That the Secretary to the Director of the Department of Community Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described above and shall administer all activities carried out under Section 3735.65 et seq. of the Ohio Revised Code and this ordinance.

**Section 6.** That a Housing Council shall be appointed for the Community Reinvestment Area under Ohio Revised Code Section 3735.69, that shall make an annual inspection of the properties within the Area for which abatements have been granted and shall hear appeals under Ohio Revised Code Section 3735.70.

**Section 7.** That under Ohio Revised Code Section 3735.68, the City may terminate the tax exemption after the first year if the Housing Officer finds that the property is not being properly maintained or repaired due to the neglect of the owner; and once terminated shall not reinstate the tax exemption. The Housing Officer shall include this requirement on the application for tax exemption signed by the applicant.

**Section 8.** That the City may terminate the tax exemption after the first year if the Housing Officer finds the property taxes have become delinquent; and once terminated the City shall not reinstate the tax exemption. The Housing Officer shall include this requirement on the application for tax exemption signed by the applicant.

**Section 9.** That the Community Reinvestment Area described in this Ordinance shall expire on June 4, 2012, unless an extension is authorized by an amendment of Cleveland City Council.

**Section 10.** That Section 4a of Ordinance No. 1776-A-90, passed April 22,

1991, as amended by Ordinance No. 960-99, passed June 7, 1999, Ordinance No. 2093-99, passed December 13, 1999, Ordinance No. 1341-01, passed August 15, 2001, Ordinance No. 849-02, passed June 10, 2002, Ordinance No. 550-03, passed May 12, 2003, Ordinance No. 1757-06, passed January 29, 2007, and Ordinance No. 307-07, passed February 26, 2007, and Sections 5(a)(vi) and 6 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance No. 1171-94, passed July 20, 1994, Ordinance No. 959-99, passed June 7, 1999, Ordinance No. 2095-99, passed December 13, 1999, Ordinance No. 842-02, passed June 10, 2002, Ordinance No. 551-03, passed May 19, 2003, and Ordinance No. 583-06, passed April 24, 2006 shall extend and the Community Reinvestment Areas and the terms of the tax abatement described in these ordinances shall continue at the current percentage of exemption and term of years, and shall expire on the effective date of this ordinance, which will be the date the Director of the Ohio Department of Development confirms the new Community Reinvestment Area designated by this ordinance.

**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.

Passed May 21, 2007.

Effective May 30, 2007, without the signature of the Mayor.

**Ord. No. 857-07.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to accept the bid of, and enter into contract with, Fathom Interactive Solutions dba Fathom IT Solutions for disaster recovery hardware and software 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 Clerk of Council is authorized to accept the bid of, and enter into contract with, Fathom Interactive Solutions dba Fathom IT Solutions for disaster recovery hardware and software (all parts) for Cleveland City Council. That such contract shall be in the amount of \$74,457.92 to be paid for from fund number 21, subclass 11006 or fund number 01, subclass 01001.

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

Passed May 21, 2007.

Effective May 25, 2007.

**Ord. No. 859-07.**

**By Council Member Reed.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Unity Baptist Church to stretch banners on the corner of East 104th & Kinsman, and East 105th & Kinsman (Pole Nos. CEI 346450, SE-6-67, 318232, and SE-6-68-2), for the period from August 11, 2007 to September 10, 2007, inclusive, celebrating the church's 89th anniversary.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Unity Baptist Church to install, maintain and remove banners on the corner of East 104th & Kinsman, and East 105th & Kinsman (Pole Nos. CEI 346450, SE-6-67, 318232, and SE-6-68-2), for the period from August 11, 2007 to September 10, 2007, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 21, 2007.

Effective May 25, 2007.

**Ord. No. 860-07.**

**By Council Member Zone.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the West Side Ecumenical Ministry to stretch a banner at 5209 Detroit Avenue using utility poles (by separate permission), for the period from June 30, 2007 to July 29, 2007, inclusive, publicizing the Head Start.**

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 De-

partment of Public Service is hereby authorized and directed to issue a permit to The West Side Ecumenical Ministry to install, maintain and remove a banner using utility poles (by separate permission), inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 21, 2007.  
Effective May 25, 2007.

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**Ord. No. 861-07.**  
**By Council Member Pierce Scott.**  
**An emergency ordinance consenting and approving the issuance of a permit for the 20th Annual Michael R. White Miler Fun Run, on May 31, 2006, (raindate: June 1, 2007) sponsored by Michael R. White Elementary School.**

**sored by Michael R. White Elementary School.**

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 19th Annual Michael R. White Fun Run, sponsored by Michael R. White Elementary School on May 31, 2007 (raindate: June 1, 2007), beginning at the school, 1000 East 92nd St., west on Parkgate Road to East Boulevard to Parkside Road, north on Parkside Road to Parkgate Road, east on Parkgate Road and finish at the school, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

Passed May 21, 2007.  
Effective May 25, 2007.

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**COUNCIL COMMITTEE MEETINGS**

**Tuesday, May 29, 2007  
9:30 a.m.**

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

**Wednesday, May 30, 2007  
10:00 a.m.**

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

**1:00 p.m.**

**City Planning Zoning Committee:** Present: Cimperman, Chair; Westbrook, Vice Chair; Lewis, Keane, Zone, Reed. *Authorized Absence:* Conwell.

**1:30 p.m.**

**City Planning Committee:** Present: Cimperman, Chair; Westbrook, Vice Chair; Lewis, Keane, Zone, Reed. *Authorized Absence:* Conwell.

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O—Ordinance; R—Resolution; F—File

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