

The City Record

Official Publication of the Council of the City of Cleveland



January the Seventh, Two Thousand and Nine

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

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

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Containing	PAGE
City Council	3
The Calendar	7
Board of Control	7
Civil Service	9
Board of Zoning Appeals	10
Board of Building Standards and Building Appeals	10
Public Notice	10
Public Hearings	10
City of Cleveland Bids	10
Adopted Resolutions and Ordinances	11
Committee Meetings	11
Index	11



DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Nathaniel K. Wilkes	8410 Vineyard Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	8323 Pulaski 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	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

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

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

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

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

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

DEPT. OF PORT CONTROL – Ricky D. Smith, Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

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

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen 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.

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

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

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

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

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

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

The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 96

WEDNESDAY, JANUARY 7, 2009

No. 4961

CITY COUNCIL

MONDAY, JANUARY 5, 2009

The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, January 5, 2009

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Dow, Johnson, Keane, Kelley, Mitchell, Pierce Scott, Polensek, Pruitt, Reed, Santiago, Sweeney, Westbrook, Wilkes and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff; Valerie J. McCall, Chief of Government Affairs; Chris Warren, Chief of Regional Development; Monyka S. Price, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Debra Linn Talley, Director of Office of Equal Opportunity; and Directors Triozzi, Dumas, Wasik, Carroll, Cox, Rush, Rybka, Nichols, Brown and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Jerome Hurst of Southeast S.D.A. Church, located at 16602 Tarkington Road in Ward 1. Pledge of Allegiance.

MOTION

On the motion of Council Member Pierce Scott, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Kelley.

COMMUNICATIONS

File No. 8-09.

January 5, 2009

Sandra Franklin
First Assistant Clerk
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Mrs. Franklin:

In the absence of Clerk Patricia J. Britt, you are hereby requested, without objection, to serve as Clerk of Council Pro Tempore for the purposes of the Council meeting of January 5, 2009.

Your assistance is appreciated.

Sincerely,
Martin J. Sweeney, President
Cleveland City Council

Received.

STATEMENT OF WORK ACCEPTANCE

File No. 9-09.

From the Department of Parks, Recreation and Properties, Division of Research Planning, and Development, Contract No. 67822 RMH Concrete & Foundation for the Halloran Park Gazebo Site Improvements. Received.

File No. 10-09.

From the Department of Public Utilities, Division of Water Pollution Control — Contract 67368A Tenant Construction Services, Inc. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 11-09.

Re: #6208815005 — C2 New Application — Mr. VS Convenience, Inc., d.b.a. Mr. BS Convenience, 15310 Kinsman Road. (Ward 3). Received.

File No. 12-09.

Re: #2908493 — C2 Additional Class Application — Elizabeth Johnson Freeman, d.b.a. Liz Z Mart & More, 3025 East 111th Street, 1st Fl. (Ward 4). Received.

File No. 13-09.

Re: #4421878 — C2 New Application — K & M Deli, Inc., 7900 Kinsman Avenue. (Ward 5). Received.

File No. 14-09.

Re: #117375 — D1, D2, D3, D3A, D6 Transfer of Ownership Application — C & S Entertainment, LLC, d.b.a. Club Bottoms Up, 1st & 2nd Fls., 7017-19 Superior Avenue. (Ward 7). Received.

File No. 15-09.

Re: #2739515 — C2 Additional Class Application — 1st Stop Shop, LLC., d.b.a. 1st Stop Shop, excludes 2nd Flr. & Bsmt., 10109-11 St. Clair Avenue. (Ward 8). Received.

File No. 16-09.

Re: #8177552 — D5J New Application — Simply Food, LLC., d.b.a. Simply Food, 1807 East 12th Street. (Ward 13). Received.

File No. 17-09.

Re: #0435370 — D1, D2, D3, D3A, D6 Transfer of Ownership Application — Bay One Sushi, Inc., d.b.a. Bay one Sushi, 1st Fl. & Bsmt., 526 Superior Avenue, Suite 101. (Ward 13). Received.

File No. 18-09.

Re: #6212901 — D1, D2, D3, D3A Transfer of Ownership / Location Application — M2K & Family, Inc., 815 Superior Avenue. (Ward 13). Received.

File No. 19-09.

Re: #98720021 — C2 Additional Class Application — ZT Gabriels, Inc., d.b.a. Gabriels Shell, 2249 West 117th Street. (Ward 19). Received.

File No. 20-09.

Re: #0003708 — C1 New Application — AJD Gas, LLC., d.b.a. Liberty Gas USA, 13939 Lorain Avenue. (Ward 20). Received.

File No. 21-09.

Re: #5185294 — C2 New Application — Liberty Gas USA, #9 LLC., Liberty Gas USA, 13939 Lorain Avenue. (Ward 20). Received.

File No. 22-09.

Re: #4275986005 — C1, C2 Transfer of Ownership Application — Jennifer, Inc., d.b.a. Franks Delicatessen, 4051 West 140th Street. (Ward 20). Received.

File No. 23-09.

Re: #7063474005 — D5J New Application — Premair of Cleveland, LLC., Bar 1 Concourse C C11, 5300 Riverside Drive. (Ward 21). Received.

File No. 24-09.

Re: #70634740010 — D5J New Application — Premair of Cleveland, LLC., Bar 2 Concourse A A2, 5300

Riverside Drive. (Ward 21). Received.

File No. 25-09.

Re: #70634740015 — D5J, D6 New Application — Premair of Cleveland, LLC., Bar 3 Concourse Main Mall 5300 Riverside Drive. (Ward 21). Received.

File No. 26-09.

Re: #70634740020 — D5J, D6 New Application — Premair of Cleveland, LLC., Bar 4 Concourse B B2, 5300 Riverside Drive. (Ward 21). Received.

File No. 27-09.

Re: #70634740030 — D5J, D6 New Application — Premair of Cleveland, LLC., Bar 5 Concourse A A4, 5300 Riverside Drive. (Ward 21). Received.

File No. 28-09.

Re: #70634740025 — D5J New Application — Premair of Cleveland, LLC., Bar 6 Concourse C C2, 5300 Riverside Drive. (Ward 21). Received.

File No. 29-09.

Re: #70634740040 — D5J New Application — Premair of Cleveland, LLC., Bar 7 Concourse D D2, 5300 Riverside Drive. (Ward 21). Received.

File No. 30-09.

Re: #70634740035 — D5J New Application — Premair of Cleveland, LLC., Bar 8 Concourse C C6, 5300 Riverside Drive. (Ward 21). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 31-09 — Angel A. Guzman.

Res. No. 32-09—Rosemary Vinci.
Res. No. 33-09—Mother Ollie Mae Neely Yarbrough.

Res. No. 34-09—Magnolia Carter.

Res. No. 35-09—Leroy Coleman.

Res. No. 36-09—Elder John W. Siggers, Sr.

Res. No. 37-09 — Rev. Theodore Roosevelt Hayes, Jr.

Res. No. 38-09—Deacon Napoleon Harris.

Res. No. 39-09 — Preston Trask Fisher.

Res. No. 40-09—Thomas Flav.

CONGRATULATION RESOLUTIONS

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

Res. No. 4109 — Julius A. Brenner.

Res. No. 42-09—Patricia Luis.

Res. No. 43-09—Dr. Robert L. Matthews.

Res. No. 44-09—Halloran Ice Skating Rink - 50th Anniversary.

Res. No. 45-09 — Della Skipper Ray.

Res. No. 46-09 — Dr. Henry T. King, Jr.

RECOGNITION RESOLUTIONS

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

Res. No. 47-09—Dr. Bill Burges.

Res. No. 48-09—Silvija Rutenberg.

Res. No. 49-09—Margaret W. Wong.

FIRST READING EMERGENCY ORDINANCE REFERRED**Ord. No. 3-09.**

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

An emergency ordinance to repeal Section 3 of Ordinance No. 861-08, passed July 2, 2008; to renumber existing Section 4 of that ordinance to new Section 3; and to repeal Ordinance No. 1873-08, passed December 8, 2008, relating to obstructions within the Harbor and relating penalty.

Whereas, on July 2, 2008, this Council passed Ordinance No. 861-08, which authorized amendments to Sections 573.02, 573.04, 573.05, 573.10, and 573.99 relating to obstructions within the harbor and its relating penalty; and

Whereas, Section 3 of Ordinance No. 861-08 contained language which reverted Sections 573.02 and 573.04 back to their original, unamended versions unless Council passed additional legislation by December 31, 2008; and

Whereas, Ordinance No. 1873-08, passed December 8, 2008, amended Ordinance No. 861-08 to extend the authority of the amended versions of Sections 573.02 and 573.04 until June 30, 2009; and

Whereas, it is the intention of this Council, by repealing Section 3 of Ordinance No. 861-08, which contained the December 31, 2008 reversionary date, and by repealing Ordinance No. 1873-08, which extended the reversionary date to June 30, 2009, to permanently enact Sections 573.02 and 573.04 as authorized in Section 1 of Ordinance No. 861-08, passed July 2, 2008, effective July 7, 2008; 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 Section 3 of Ordinance No. 861-08, passed July 2, 2008 is repealed.

Section 2. That existing Section 4 of Ordinance No. 861-08, passed July 2, 2008 is renumbered to new "**Section 3**".

Section 3. That Ordinance No. 1873-08, passed December 8, 2008, is repealed.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1-09.

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

An emergency ordinance approving the terms of the collective bargaining agreement with the Fraternal Order of Police (FOP) Lodge 8; and amending Section 52 of Ordinance No. 947-08, passed June 9, 2008, as amended, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the terms of the collective bargaining agreement with the Fraternal Order of Police (FOP) Lodge 8, as contained in the executive summary, placed in File No. 1-09-A, for the period from April 1, 2007 through March 31, 2010, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

*Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That Section 52 of Ordinance No. 947-08, passed June 9, 2008, as amended, is amended to read as follows:

Section 52. Fraternal Order of Police, Lodge No. 8 (F.O.P.) The annual salaries of persons appointed to the following ranks of the Division of Police shall be fixed by the appointing authority within the limits established in the following schedules:

<u>Rank</u>	<u>Minimum</u>	<u>Maximum</u>
1. Commander of Police	\$95,219.31	\$95,719.31
2. Commissioner of Traffic Control.....	\$95,219.31	\$95,719.31
3. Captain.....	\$82,016.64	\$82,516.64
4. Lieutenant.....	\$70,635.04	\$71,135.04
5. Sergeant.....	\$60,823.31	\$61,323.31

Section 3. That existing Section 52 of Ordinance No. 947-08, passed June 9, 2008, as amended, is repealed.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2-09.

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

An emergency ordinance approving the terms of the collective bargaining agreement with the Fraternal Order of Police (FOP) Fingerprint and Scientific Examiners; and amending Section 27 of Ordinance No. 947-08, passed June 9, 2008, as amended, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the terms of the collective bargaining agreement with the Fraternal Order of Police (FOP) Fingerprint and Scientific Examiners, as contained in the executive summary, placed in File No. 2-09-A, for the period from April 1, 2007 through March 31, 2010, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

*Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That Section 27 of Ordinance No. 947-08, passed June 9, 2008, as amended, is amended to read as follows:

Section 27. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Fingerprint Examiner.....	\$22,000.00	\$39,290.17
2. Scientific Examiner.....	\$25,000.00	\$57,123.96

Section 3. That existing Section 27 of Ordinance No. 947-08, passed June 9, 2008, as amended, is repealed.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 4-09.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Rachel Nigro Scalish for professional services to provide consultation and advice on various matters related to official business of Cleveland City Council including matters related to legislation 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 enter into an agreement with Rachel Nigro Scalish for professional services to provide consultation and advice on various matters related to the official business of Cleveland City Council, including matters related to legislation for Cleveland City Council. This agreement shall be entered into as of January 1, 2009 and shall be for a term of one year, with options by the Clerk of Council to extend the term for additional periods of one year. The agreement shall be certified from fund numbers 632000-01-010100, and may be recertified as necessary upon exercise of any extension options by the Clerk.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 5-09.

By Council Member Pruitt.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Harvard Community Service Center for the Youth Sports Football Recreation Program through the use of Ward 1 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 the Harvard Community Service Center for the Youth Sports Football Recreation Program for the public purpose of providing organized recreational activities for youth residing in the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$3,500 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.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 6-09.

By Council Member Cleveland.

An emergency resolution objecting to a New C2 Liquor Permit at 7900 Kinsman Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at K & M Deli, Inc., 7900 Kinsman Avenue, Cleveland, Ohio 44104, Permanent Number 4421878; and

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

interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at K & M Deli, Inc., 7900 Kinsman Avenue, Cleveland, Ohio 44104, Permanent Number 4421878; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 7-09.

By Council Member Cleveland.
An emergency resolution withdrawing objection to the transfer of ownership of C2 and C2X Liquor Permit at 5346 Dolloff Road and repealing Resolution No. 1783-08, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Dave Enterprises, Inc., DBA Dolloff Food Mart Convenience, 5346 Dolloff Road, Cleveland, Ohio 44127, Permanent No. 1942402, by Resolution No. 1783-08 adopted by the Council on November 24, 2008; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Dave Enterprises, Inc., DBA Dolloff Food Mart Convenience, 5346 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 1942402, be and the same is hereby withdrawn and Resolution No. 1783-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**SECOND READING
EMERGENCY ORDINANCE**

Ord. No. 1821-08.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for construction and demolition debris disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage rec-

ommended by Committees on Public Service, Finance.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1774-08.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1820-08.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

MOTION

The Council Meeting adjourned at 7:24 p.m. to meet on Monday, January 12, 2009 at 7:00 p.m. in the Council Chambers.



Sandra Franklin
Clerk of Council
Pro Tempore

THE CALENDAR

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

Ord. No. 1821-08.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for construction and demolition debris disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.

BOARD OF CONTROL

December 31, 2008

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 31,

2008, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Others: James Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 614-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Sills Motor Sales for an estimated quantity of repair parts for pumps, saws and small engines, items 2, 3 and 9, for the Division of Water, Department of Public Utilities, for a period of two years, starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on November 7, 2008, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$35,000.00 (2%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 189672 which shall be certified against the contract in the sum of \$5,000.00.

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

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 615-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Chemequip Sales Inc., d.b.a. R&R Engine and Machine for an estimated quantity of repair parts for pumps, saws and small engines, item 4, for the Division of Water, Department of Public Utilities, for a period of two years, starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on November 7, 2008, under the authority of Section 129.25 of the Codified Ordinances of Cleveland

Ohio, 1976, which on the basis of the estimated quantity would amount to \$15,000.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 189671 which shall be certified against the contract in the sum of \$2,000.00.

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

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 616-08.

By Interim Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 7, 2008, for an estimated quantity of repair parts for pumps, saws and small engines, items 1 and 5-8, for the Division of Water, Department of Public Utilities, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 617-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Preventive Power and Maintenance, Inc. for an estimated quantity of Materials to Clean Insulators, Bushing and Lighting Arrestors, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract for Materials to Clean Insulators, Bushing and Lighting Arrestors, received on October 30, 2008 under the authority of Ordinance No. 990-08, passed August 6, 2008, which on the basis of the estimated quantity would amount to \$474,500.00 (2%, 15 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the Materials to Clean Insulators, Bushing and Lighting Arrestors, which shall provide for the immediate purchase as

the initial amount of the contract of the following:

Requisition No. 184166

which shall be certified against such contract in the sum of \$71,175.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for Materials to Clean Insulators, Bushing and Lighting Arrestors, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 618-08.

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, 1853-06 and 1329-08, passed by the Council of the City of Cleveland on December 16, 2002, April 26, 2004, December 11, 2006 and October 20, 2008, respectively, the firm of Landrum & Brown, 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 a period of two years, with an option to renew for an additional two year period and a second option to renew for an additional term not to exceed two years, 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 Landrum & Brown, Inc. for the services authorized shall not exceed \$2,099,682.00, 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 Landrum & Brown, Inc. is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
Airport Design Consultants, Inc.	2.73% - DBE	\$57,360.00
G & T Associates, Inc.	2.36% - DBE	\$49,500.00

McGuiness Unlimited, Inc. 1.46% - DBE \$30,680.00

Ralph Tyler Companies 12.70% - DBE \$266,710.00

UCG Associates, Inc. 20.00% - Non-DBE \$420,000.00

Ty Lin International, Inc. 9.79% - Non-DBE \$205,717.00

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 619-08.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Great Lakes Petroleum Co. for an estimated quantity of diesel fuel, items 1, 2 and 4-10, 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 November 14, 2008, under the authority of Section 131.18 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$4,723,879.80 (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. 186110 which shall be certified against the contract in the sum of \$500,000.00.

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.

<u>Subcontractor</u>	<u>Amount</u>
Consumers Petroleum	\$2,361,939.90

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 620-08.

By Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of The K Company, Inc. for an estimated quantity of labor and material to repair and maintain 12 overhead exhaust fans at the Ridge

Road Transfer Station, item 1 for Department of Public Service, the Division of Waste Collection and Disposal, for the period of 1 year beginning with the date of execution of a contract, received on October 2, 2008, under Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to approximately \$15,360.00, 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 of the following:

Requisition No. 130782

which shall be certified against such contract in the sum of \$15,360.00.

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

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 621-08.

By Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that all bids received on October 2, 2008, for labor and material to clean and maintain the scale pits, for the Division of Waste Collection and Disposal, Department of Public Service, under Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 622-08.

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland, that all bids received on April 18, 2008 for air compressors, for the Division of Motor Vehicle Maintenance, Department of Public Service, under the authority of Ordinance Number 902-07, passed by the Council of the City of Cleveland on July 11, 2007, are rejected.

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 623-08.

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland, that all bids received on April 23, 2008 for cargo van, for the Division of Motor Vehicle Maintenance, Department of Public Service, under the authority of Ordinance Number 902-07, passed by the Council of the City of Cleveland on July 11, 2007, are rejected.

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 624-08.

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland, that all bids received on May 21, 2008 for a Cab and Chassis with utility bodies, items 1-3, for the Division of Motor Vehicle Maintenance, Department of Public Service, under the authority of Ordinance Number 902-07, passed by the Council of the City of Cleveland on July 11, 2007, are rejected.

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 625-08.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Schindler Elevator Corporation for labor and material necessary to maintain the Willard Park Garage elevators, for all items, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, for the period of one (1) year, received November 20, 2008 under the authority Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$15,000.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into a contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the requirement contract of the following:

12 months of monthly maintenance for four (4) Schindler elevators for \$5,280.00, and for repairs and emergency services for four (4) Schindler elevators for \$4,000.00, under:

Requisition No. 142630

which shall be certified against the contract in the sum of \$9,280.00.

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

Yeas: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

Resolution No. 626-08.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation various uniforms for employees of the Division of Parking Facilities, Department of Parks, Recreation and Properties, for all items, for the period of one (1) year, received November 20, 2008 under the authority Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$45,250.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into a contract for the items with the bidder, under:

Requisition No. 142622

which shall be certified against the contract in the sum of \$10,000.00.

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: Directors Triozzi, Acting Director Withers, Director Smith, Acting Director Scott, Directors Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Hutchinson and Acting Director Feliciano.

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

TUESDAY, JANUARY 20, 2009
9:30 A.M.

Calendar No. 08-235: 2950-66 East 116th Street (Ward 4)

Amjad Hamdeh, owner, appeals to construct a new service/gas station on consolidated parcels located in a Local Retail Business District on the northwest corner of East 116th Street and Forest Avenue at 2950-66 East 116th Street; subject to the limitations of Section 343.01, a service/gas station is not permitted, but is first permitted in a General Retail Business District under Section 343.11(b)(2)(I)(5); and contrary to Section 352.09, a concrete sidewalk is within the area where an 8 foot transition strip is required at the rear northeast corner of the lot where it abuts a Two-Family District; and a 6 foot wide landscape strip is required along the side street corner (Forest Avenue) where parking spaces abut the street, according to the provisions in Section 352.10 of the Codified Ordinances.

Calendar No. 08-236: 4120 Lee Road (Ward 1)

Sherry Wingfield, owner, and Eddie Adya, prospective purchaser appeal to construct a new restaurant on a 40' x 135' parcel in a General Retail Business District at the northwest corner of Lee Road and Judson Drive; and a driveway access to the property is contrary to Section 343.18(c), being located less than 15 feet between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line; and subject to Section 357.07, motor vehicle parking is prohibited within the 50 foot specific building line front yard setback measured from the center line of Lee Road; and an open 24 hours drive through for retail sales that abuts a residential use shall be prohibited from 11:00 P.M. to 6:00 A.M. daily and conform to the applicable requirements of Section 347.16(g)(6) and its other divisions concerning regulations for location and operation of drive through establishments; and an 8 foot high fence is proposed along the west property line, contrary to Section 358.05(a)(2) that states fences in actual front and side street yards shall not exceed a 4 foot height and shall be at least 50 percent open above 2 feet in height and that fences in actual rear and interior side yards shall not exceed a 6 foot height.

Calendar No. 08-237: Julius Ngana, Hack License Suspension
Julius Nganga appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 443.36 of the Codified Ordinances from the suspension of a City of Cleveland Hack License for a period of fourteen (14) days from 12:01 a.m. on January 5, 2009 and until 12:01 a.m. on January 19, 2009 as issued by the City of Cleveland Commissioner of Assessments and Licenses.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 5, 2009

At the meeting of the Board of Zoning Appeals on Monday, January 5, 2009, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 08-226: 806 Literary Road

Sandy Banks, LLC appealed for a 342 square foot painted sign on a two-story building in a General Retail business District.

Calendar No. 08-227: 10823 Magnolia Drive

Michael Goronok and Evguenia Poustyreva, owners, and Hawken School, prospective purchaser, appealed for a change of use from a three-story, one dwelling unit to a Kindergarten through Eighth Grade school in an AA Limited One-Family District.

The following appeal was **Denied:**
None

The following appeals were **Withdrawn:**

None

The following appeals were **Dismissed:**

None

The following appeals were **Postponed:**

Calendar No. 08-221: 2320 East 30th Street postponed to February 2, 2009.

Calendar No. 08-222: 4301-03 Clark Avenue postponed to March 2, 2009.

Calendar No. 08-228: 2674 East 63rd Street postponed to February 23, 2009.

The following appeal heard by the Board on December 22, 2008 was adopted and approved on January 5, 2009.

The following appeal was **Denied:**

Calendar No. 08-219: 1015 University Road

Matt Russell appealed to use an area of the front setback for a parking space in a Multi-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, JANUARY 14, 2009

File No. 279-08 — Cleveland Convention Center Public Hall Renovations, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 684-08, passed by the Council of the City of Cleveland, July 2, 2008.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF A FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED). THERE WILL BE A **MANDATORY PRE-BID** MEETING FRIDAY, JANUARY 9, 2009 AT 11:00 A.M., THE CITY HALL, DIVISION OF ARCHITECTURE, FIFTH FLOOR, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

December 24, 2008, December 31, 2008 and January 7, 2009

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

**Monday, January 5, 2009
11:00 a.m.**

Public Service Committee: Present: Brady, Chair; Cleveland, Polensek, Cummins, Johnson, Santiago, Reed. *Authorized Absence:* Pruitt, Vice Chair. *Protempore:* Wilkes.

2:00 p.m.

Finance Committee: Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Keane, Pierce Scott, Brancatelli, Zone, Westbrook, Coats.

Index

O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Agreements

Clerk of Council — Rachel Nigro Scalish for professional services (O 4-09)..... 6
 Youth Sports Football Recreation Program — Harvard Community Service Center (O 5-09)..... 6

Board of Control — Cleveland Public Power Division

Insulators, bushings and lightning arrestors, cleaning and testing of — contract per Ord. 990-08 to Preventive Power and Maintenance, Inc. — Dept. of Public Utilities (BOC Res. 617-08)..... 8

Board of Control — Motor Vehicle Maintenance Division

Air compressors — per Ord. 902-07 — all bids rejected — Dept. of Public Service (BOC Res. 622-08)..... 9
 Cab and chassis with utility bodies — per Ord. 902-07 — all bids rejected — Dept. of Public Service (BOC Res. 624-08) 9
 Cargo van — per Ord. 902-07 — all bids rejected — Dept. of Public Service (BOC Res. 623-08) 9
 Diesel fuel — contract per C.O. Sec. 131.18 to Great Lakes Petroleum Co. — Dept. of Public Service (BOC Res. 619-08) 8

Board of Control — Parking Facilities Division

Elevator maintenance at Willard Park Garage — contract per C.O. Sec. 181.101 to Schindler Elevator Corporation — Dept. of Parks, Recreation and Properties (BOC Res. 625-08)..... 9
 Uniforms — contract per C.O. Sec. 181.101 to Schwarz Uniform Corporation — Dept. of Parks, Recreation and Properties (BOC Res. 626-08)..... 9

Board of Control — Parks, Recreation and Properties Department

Elevator maintenance at Willard Park Garage — contract per C.O. Sec. 181.101 to Schindler Elevator Corporation — Division of Parking Facilities (BOC Res. 625-08) 9
 Uniforms — contract per C.O. Sec. 181.101 to Schwarz Uniform Corporation — Division of Parking Facilities (BOC Res. 626-08)..... 9

Board of Control — Port Control Department

Planning studies — contract per Ord. 2380-02, 468-04, 1853-06, 1329-08 to Landrum & Brown, Inc. (BOC Res. 618-08) 8

Board of Control — Professional Service Contracts

Planning studies — contract per Ord. 2380-02, 468-04, 1853-06, 1329-08 to Landrum & Brown, Inc. — Dept. of Port Control (BOC Res. 618-08)..... 8

Board of Control — Public Service Department

Air compressors — per Ord. 902-07 — all bids rejected — Division of Motor Vehicle Maintenance (BOC Res. 622-08)..... 9
 Cab and chassis with utility bodies — per Ord. 902-07 — all bids rejected — Division of Motor Vehicle Maintenance (BOC Res. 624-08)..... 9

Cargo van — per Ord. 902-07 — all bids rejected — Division of Motor Vehicle Maintenance (BOC Res. 623-08) 9

Diesel fuel — contract per C.O. Sec. 131.18 to Great Lakes Petroleum Co. — Division of Motor Vehicle Maintenance (BOC Res. 619-08)..... 8

Exhaust fan maintenance at Ridge Road Transfer Station — contract per C.O. Sec. 181.101 — Division of Waste Collection and Disposal (BOC Res. 620-08) 8

Scale pit cleaning and maintenance — per C.O. Sec. 181.101 — all bids rejected — Division of Waste Collection and Disposal (BOC Res. 621-08)..... 9

Board of Control — Public Utilities Department

Insulators, bushings and lightning arrestors, cleaning and testing of — contract per Ord. 990-08 to Preventive Power and Maintenance, Inc. — Division of Cleveland Public Power (BOC Res. 617-08)..... 8

Pumps, saws, small engine repair parts — contract per C.O. Sec. 129.25 to Sill’s Motor Sales — Division of Water (BOC Res. 614-08)..... 7

Pumps, saws, small engine repair parts — contract per C.O. Sec. 129.25 to Chemequip Sales Inc., d.b.a., R&R Engine and Machine — Division of Water (BOC Res. 615-08) 7

Pumps, saws, small engine repair parts — per C.O. Sec. 129.25 — bids rejected — Division of Water (BOC Res. 616-08) 8

Board of Control — Requirement Contracts

Diesel fuel — contract per C.O. Sec. 131.18 to Great Lakes Petroleum Co. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 619-08) 8

Elevator maintenance at Willard Park Garage — contract per C.O. Sec. 181.101 to Schindler Elevator Corporation — Division of Parking Facilities, Dept. of Parks, Recreation and Properties (BOC Res. 625-08) 9

Exhaust fan maintenance at Ridge Road Transfer Station — contract per C.O. Sec. 181.101 — Division of Waste Collection and Disposal, Dept. of Public Service (BOC Res. 620-08) 8

Insulators, bushings and lightning arrestors, cleaning and testing of — contract per Ord. 990-08 to Preventive Power and Maintenance, Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 617-08) 8

Pumps, saws, small engine repair parts — contract per C.O. Sec. 129.25 to Sill’s Motor Sales — Division of Water, Dept. of Public Utilities (BOC Res. 614-08)..... 7

Pumps, saws, small engine repair parts — contract per C.O. Sec. 129.25 to Chemequip Sales Inc., d.b.a., R&R Engine and Machine — Division of Water, Dept. of Public Utilities (BOC Res. 615-08) 7

Uniforms — contract per C.O. Sec. 181.101 to Schwarz Uniform Corporation — Division of Parking Facilities, Dept. of Parks, Recreation and Properties (BOC Res. 626-08)..... 9

Board of Control — Waste Collection and Disposal Division

Exhaust fan maintenance at Ridge Road Transfer Station — contract per C.O. Sec. 181.101 — Dept. of Public Service (BOC Res. 620-08) 8

Scale pit cleaning and maintenance — per C.O. Sec. 181.101 — all bids rejected — Dept. of Public Service (BOC Res. 621-08) 9

Board of Control — Water Division

Pumps, saws, small engine repair parts — contract per C.O. Sec. 129.25 to Sill’s Motor Sales — Dept. of Public Utilities (BOC Res. 614-08)..... 7

Pumps, saws, small engine repair parts — contract per C.O. Sec. 129.25 to Chemequip Sales Inc., d.b.a., R&R Engine and Machine — Dept. of Public Utilities (BOC Res. 615-08) 7

Pumps, saws, small engine repair parts — per C.O. Sec. 129.25 — bids rejected — Dept. of Public Utilities (BOC Res. 616-08)..... 8

Board of Control — Willard Park Garage

Elevator maintenance — contract per C.O. Sec. 181.101 to Schindler Elevator Corporation — Division of Parking Facilities, Dept. of Parks, Recreation and Properties (BOC Res. 625-08)..... 9

Board of Zoning Appeals — Report

Clark Avenue, 4301-03, (Ward 14) — Michael and Kamal Elseikali, owners — appeal postponed to 3/2/09 on 1/5/09 (Cal. 08-222)..... 10

East 30th Street, 2320, (Ward 5) — Cuyahoga Metropolitan Housing Authority, owner — appeal postponed to 2/2/09 on 1/5/09 (Cal. 08-221) 10

East 63rd Street, 2674, (Ward 5) — Peace Missionary Baptist Church, owner — appeal postponed to 2/23/09 on 1/5/09 (Cal. 08-228) 10

Literary Road, 806, (Ward 13) — Sandy Banks, LLC, owner — appeal heard on 1/5/09 (Cal. 08-226)..... 10

Magnolia Drive, 10823, (Ward 8) — Michael Goronok and Evguenia Poustyreva, owners and Hawken School, prospective purchaser — appeal heard on 1/5/09 (Cal. 08-227) 10

University Road, 1015, (Ward 13) — Matt Russell, owner — appeal denied and adopted on 1/5/09 (Cal. 08-219)..... 10

Board of Zoning Appeals — Schedule

East 116th Street, 2950-66, (Ward 4) — Amjad Hamdeh, owner — appeal to be heard on
 1/20/09 (Cal. 08-235)..... 10
 Lee Road, 4120, (Ward 1) — Sherry Wingfield, owner, and Eddie Adya, prospective purchaser —
 appeal to be heard on 1/20/09 (Cal. 08-236) 10
 Nganga, Julius — appeal to be heard on 1/20/09 (Cal. 08-237)..... 10

City Council

Clerk of Council — agreement — Rachel Nigro Scalish for professional services (O 4-09) 6
 Franklin, Sandra — Clerk of Council Pro Tempore (F 8-09) 3

City of Cleveland Bids

Cleveland Convention Center Public Hall renovations — Department of Parks, Recreation and
 Properties — Division of Convention Center and Stadium — per Ord. 684-08 — bid due
 January 14, 2009 (advertised 12/24/2008 and 12/31/2008 and 1/7/2009)..... 10

Clerk of Council

Agreement — Rachel Nigro Scalish for professional services (O 4-09) 6
 Franklin, Sandra — Clerk of Council Pro Tempore (F 8-09) 3

Codified Ordinances

Amend Ord. No. 861-08 and repeal Ord. No. 1873-08 — obstructions within the Harbor and
 relating penalty (O 3-09)..... 4

Collective Bargaining Agreements

Fraternal Order of Police (FOP) Fingerprint and Scientific Examiners — amend Sect. 27 Ord.
 No. 947-08 — Effective April 1, 2007 through March 31, 2010 (O 2-09) 5
 Fraternal Order of Police (FOP) Lodge 8 — amend Sect. 52 Ord. No. 947-08 — Effective April
 1, 2007 through March 31, 2010 (O 1-09)..... 5

Communications

Franklin, Sandra — Clerk of Council Pro Tempore (F 8-09) 3

Condolences

Carter, Magnolia (R 34-09) 4
 Coleman, Leroy (R 35-09) 4
 Fisher, Preston Trask (R 39-09) 4
 Flav, Thomas (R 40-09) 4
 Guzman, Angel A. (R 31-09) 4
 Harris, Deacon Napoleon (R 38-09) 4
 Hayes, Jr., Rev. Theodore Roosevelt (R 37-09) 4
 Siggers, Sr., Elder John W. (R 36-09) 4
 Vinci, Rosemary (R 32-09) 4
 Yarbrough, Mother Ollie Mae Neely (R 33-09)..... 4

Congratulations

Brenner, Julius A. (R 41-09) 4
 Halloran Ice Skating Rink — 50th Anniversary (R 44-09) 4
 King, Jr., Dr. Henry T. (R 46-09) 4
 Luis, Patricia (R 42-09) 4
 Matthews, Dr. Robert L. (R 43-09) 4
 Ray, Della Skipper (R 45-09) 4

Contracts

Halloran Park Gazebo Site Improvements — Contract No. 67822 — Parks, Recreation and
 Properties (Division of Research, Planning, and Development) (F 9-09)..... 3
 Rock salt — purchase — Division of Streets (O 1774-08)..... 7
 Tenant Construction Services, Inc — Contract 67368 A — Public Utilities (WPC Division)
 (F 10-09)..... 3

Liquor Permits

Dolloff Rd., 5346 — withdraw objection to transfer of ownership — repeal Res. 1783-08 (Ward 05) (R 7-09)..... 7
 E. 111th St., 3025 — additional class application (Ward 04) (F 12-09) 4
 E. 12th St., 1807 — new application (Ward 13) (F 16-09)..... 4

Kinsman Ave., 7900 — new application (Ward 05) (F 13-09) 4
 Kinsman Ave., 7900 — objection to issuance (Ward 05) (R 6-09) 6
 Kinsman Rd., 15310 — new application (Ward 03) (F 11-09) 3
 Lorain Ave., 13939 — new application (Ward 20) (F 20-09) 4
 Lorain Ave., 13939 — new application (Ward 20) (F 21-09) 4
 Riverside Dr., 5300 (Bar 1 Concourse C, C11) — new application (Ward 21) (F 23-09) 4
 Riverside Dr., 5300 (Bar 2 Concourse A, A2) — new application (Ward 21) (F 24-09) 4
 Riverside Dr., 5300 (Bar 3 Concourse Main Mall) — new application (Ward 21) (F 25-09) 4
 Riverside Dr., 5300 (Bar 4 Concourse B, B2) — new application (Ward 21) (F 26-09) 4
 Riverside Dr., 5300 (Bar 5 Concourse A, A4) — new application (Ward 21) (F 27-09) 4
 Riverside Dr., 5300 (Bar 6 Concourse C, C2) — new application (Ward 21) (F 28-09) 4
 Riverside Dr., 5300 (Bar 7 Concourse D, D2) — new application (Ward 21) (F 29-09) 4
 Riverside Dr., 5300 (Bar 8 Concourse C, C6) — new application (Ward 21) (F 30-09) 4
 St. Clair Ave., 10109-11 — additional class application (Ward 08) (F 15-09) 4
 Superior Ave., 526 (Suite 101) — transfer of ownership application (Ward 13) (F 17-09) 4
 Superior Ave., 7017-19 (1st. & 2nd Fls.) — transfer of ownership application (Ward 07) (F 14-09) 4
 Superior Ave., 815 — transfer of ownership and location application (Ward 13) (F 18-09) 4
 W. 117th St., 2249 — additional class application (Ward 19) (F 19-09) 4
 W. 140th St., 4051 — transfer of ownership application (Ward 20) (F 22-09) 4

Neighborhood Equity Funds

Youth Sports Football Recreation Program — agreement — Harvard Community Service Center (O 5-09) 6

Parks, Recreation and Properties Department

Halloran Park Gazebo Site Improvements — Contract No. 67822 — Parks, Recreation and Properties (Division of Research, Planning, and Development) (F 9-09) 3
 Youth Sports Football Recreation Program — agreement — Harvard Community Service Center (O 5-09) 6

Personnel Department

Fraternal Order of Police (FOP) Fingerprint and Scientific Examiners — collective bargaining agreement — amend Sect. 27 Ord. No. 947-08 — Effective April 1, 2007 through March 31, 2010 (O 2-09) 5
 Fraternal Order of Police (FOP) Lodge 8 — collective bargaining agreement — amend Sect. 52 Ord. No. 947-08 — Effective April 1, 2007 through March 31, 2010 (O 1-09) 5

Port Control Department

Amend Ord. No. 861-08 and repeal Ord. No. 1873-08 — obstructions within the Harbor and relating penalty (O 3-09) 4

Professional Services

Clerk of Council — agreement — Rachel Nigro Scalish (O 4-09) 6

Recognition

Burges, Dr. Bill (R 47-09) 4
 Rutenberg, Silvija (R 48-09) 4
 Wong, Margaret W. (R 49-09) 4

Salaries

Fraternal Order of Police (FOP) Fingerprint and Scientific Examiners — collective bargaining agreement — amend Sect. 27 Ord. No. 947-08 — Effective April 1, 2007 through March 31, 2010 (O 2-09) 5
 Fraternal Order of Police (FOP) Lodge 8 — collective bargaining agreement — amend Sect. 52 Ord. No. 947-08 — Effective April 1, 2007 through March 31, 2010 (O 1-09) 5

Service Department

Construction and demolition debris, disposal — Division of Waste Collection and Disposal (O 1821-08) 7-7
 Rock salt — purchase — Division of Streets (O 1774-08) 7
 Tires (transfer and disposal) — Division of Waste Collection and Disposal (O 1820-08) 7

Statement of Work Acceptance

Halloran Park Gazebo Site Improvements — Contract No. 67822 — Parks, Recreation and Properties (Division of Research, Planning, and Development) (F 9-09) 3
 Tenant Construction Services, Inc — Contract 67368 A — Public Utilities (WPC Division) (F 10-09) 3

Streets Division

Rock salt — purchase — Division of Streets (O 1774-08)..... 7

Utilities Department

Tenant Construction Services, Inc — Contract 67368 A — (WPC Division) (F 10-09)..... 3

Ward 01

Guzman, Angel A. — condolence (R 31-09) 4
Harris, Deacon Napoleon — condolence (R 38-09) 4
Hayes, Jr., Rev. Theodore Roosevelt — condolence (R 37-09) 4
Matthews, Dr. Robert L. — congratulations (R 43-09)..... 4
Youth Sports Football Recreation Program — agreement — Harvard Community Service Center
(O 5-09)..... 6

Ward 02

Guzman, Angel A. — condolence (R 31-09) 4

Ward 03

Guzman, Angel A. — condolence (R 31-09) 4
Kinsman Rd., 15310 — new application — liquor permits (F 11-09) 3
Ray, Della Skipper — congratulations (R 45-09) 4

Ward 04

E. 111th St., 3025 — additional class application — liquor permits (F 12-09) 4
Guzman, Angel A. — condolence (R 31-09) 4

Ward 05

Dolloff Rd., 5346 — withdraw objection to transfer of ownership — repeal Res. 1783-08 —
liquor permits (R 7-09) 7
Guzman, Angel A. — condolence (R 31-09) 4
Kinsman Ave., 7900 — new application — liquor permits (F 13-09) 4
Kinsman Ave., 7900 — objection to issuance — liquor permits (R 6-09) 6

Ward 06

Guzman, Angel A. — condolence (R 31-09) 4
Siggers, Sr., Elder John W. — condolence (R 36-09)..... 4

Ward 07

Guzman, Angel A. — condolence (R 31-09) 4
Superior Ave., 7017-19 (1st. & 2nd Fls.) — transfer of ownership application — liquor
permits (F 14-09) 4

Ward 08

Guzman, Angel A. — condolence (R 31-09) 4
St. Clair Ave., 10109-11 — additional class application — liquor permits (F 15-09) 4
Yarbrough, Mother Ollie Mae Neely — condolence (R 33-09)..... 4

Ward 09

Guzman, Angel A. — condolence (R 31-09) 4
Luis, Patricia — congratulations (R 42-09)..... 4

Ward 10

Carter, Magnolia — condolence (R 34-09) 4
Coleman, Leroy — condolence (R 35-09) 4
Guzman, Angel A. — condolence (R 31-09) 4

Ward 11

Fisher, Preston Trask — condolence (R 39-09)..... 4
Guzman, Angel A. — condolence (R 31-09) 4

Ward 12

Guzman, Angel A. — condolence (R 31-09) 4

Ward 13

Brenner, Julius A. — congratulations (R 41-09) 4
Burges, Dr. Bill — recognition (R 47-09) 4
E. 12th St., 1807 — new application — liquor permits (F 16-09) 4
Guzman, Angel A. — condolence (R 31-09) 4
Superior Ave., 526 (Suite 101) — transfer of ownership application — liquor permits
(F 17-09) 4
Superior Ave., 815 — transfer of ownership and location application — liquor permits
(F 18-09) 4
Vinci, Rosemary — condolence (R 32-09) 4

Ward 14

Guzman, Angel A. — condolence (R 31-09) 4
King, Jr., Dr. Henry T. — congratulations (R 46-09) 4
Rutenberg, Silvija — recognition (R 48-09) 4
Vinci, Rosemary — condolence (R 32-09) 4
Wong, Margaret W. — recognition (R 49-09) 4

Ward 15

Guzman, Angel A. — condolence (R 31-09) 4

Ward 16

Guzman, Angel A. — condolence (R 31-09) 4

Ward 17

Guzman, Angel A. — condolence (R 31-09) 4

Ward 18

Guzman, Angel A. — condolence (R 31-09) 4

Ward 19

Guzman, Angel A. — condolence (R 31-09) 4
Halloran Ice Skating Rink — 50th Anniversary — congratulations (R 44-09) 4
W. 117th St., 2249 — additional class application — liquor permits (F 19-09) 4

Ward 20

Guzman, Angel A. — condolence (R 31-09) 4
Lorain Ave., 13939 — new application — liquor permits (F 20-09) 4
Lorain Ave., 13939 — new application — liquor permits (F 21-09) 4
W. 140th St., 4051 — transfer of ownership application — liquor permits (F 22-09) 4

Ward 21

Flav, Thomas — condolence (R 40-09) 4
Guzman, Angel A. — condolence (R 31-09) 4
Riverside Dr., 5300 (Bar 1 Concourse C, C11) — new application — liquor permits (F 23-09) 4
Riverside Dr., 5300 (Bar 2 Concourse A, A2) — new application — liquor permits (F 24-09) 4
Riverside Dr., 5300 (Bar 3 Concourse Main Mall) — new application — liquor permits (F 25-09) 4
Riverside Dr., 5300 (Bar 4 Concourse B, B2) — new application — liquor permits (F 26-09) 4
Riverside Dr., 5300 (Bar 5 Concourse A, A4) — new application — liquor permits (F 27-09) 4
Riverside Dr., 5300 (Bar 6 Concourse C, C2) — new application — liquor permits (F 28-09) 4
Riverside Dr., 5300 (Bar 7 Concourse D, D2) — new application — liquor permits (F 29-09) 4
Riverside Dr., 5300 (Bar 8 Concourse C, C6) — new application — liquor permits (F 30-09) 4

Waste Collection and Disposal Division

Construction and demolition debris, disposal — Service Department (O 1821-08) 7-7
Tires (transfer and disposal) (O 1820-08) 7

Water Pollution Control Division

Tenant Construction Services, Inc — Contract 67368 A — Public Utilities (WPC Division)
(F 10-09) 3