

The City Record

Official Publication of the Council of the City of Cleveland



October the Third, Two Thousand and Seven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

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

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

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

DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Interim Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – John Christopher Nielson, Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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WEDNESDAY, OCTOBER 3, 2007

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CITY COUNCIL

MONDAY, OCTOBER 1, 2007

The City Record

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EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, October 1, 2007

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

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

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

Pursuant to Ordinance No. 2926-76, a prayer was offered by Reverend Dr. David Horne of Old Stone Church, 91 Public Square, located in Ward 13. Pledge of Allegiance.

MOTION

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

Without objection, Charlene Berry, Clerk of Council Pro Tempore, is authorized to sign bond documents in the absence of the Clerk of Council, through October 3, 2007.

COMMUNICATIONS

File No. 1627-07.

From the Department of Finance — notification of City's intend to issue and refund Airport System Refunding bonds and Airport System Revenue Bonds. Received.

File No. 1628-07.

From the Cuyahoga County Engineer — The structural steel repairs for W. 49th Street/ Herman Avenue Bridge No. 194 over the West Shoreway in the City of Cleveland, County ID 940. Received.

File No. 1629-07.

From Cuyahoga County Engineer — re: The rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland, County ID 949. Received.

File No. 1630-07.

From Cuyahoga County Engineer — re: The rehabilitation of Pearl Road Bridge No. 118 over Big Creek, Norfolk southern Railroad and CSX Railroad in the City of Cleveland, County ID 953. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1631-07.

Re: Transfer of Ownership Application — 4618581 — KF Gas and Oil Corporation, d.b.a. W. 130th Marathon, 4611 West 130th Street. (Ward 20). Received.

File No. 1632-07.

Re: Stock Transfer Application — 4422723 — K & I, Inc., d.b.a. Ivanhoe Inn, 1023 Rear & 1025 Ivanhoe Road. (Ward 11). Received.

File No. 1633-07.

Re: Stock Transfer Application — 5804911 — Meera, Inc., d.b.a. Lorain Sunoco, 13601 Lorain Avenue. (Ward 20). Received.

File No. 1634-07.

Re: Stock Transfer Application — 6552378 — 17007 Lorain Avenue, Inc., d.b.a. Arcade Tavern, 17007 Lorain Avenue. (Ward 21). Received.

STATEMENT OF WORK ACCEPTED

File No. 1635-07.

From the Department of Public Service — Contract No. 66942 — Cleveland Brown's Stadium — Structural Repairs. Received.

File No. 1636-07.

From the Department of Public Service — Contract No. 66840 — Cleveland Fire Stations — Various Upgrades. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1637-07—Rose Lee Ginyard.

Res. No. 1638-07—Jay Shepherd.

Res. No. 1639-07—Bessie L. Perkins.

Res. No. 1640-07—Jack Ulrich.

CONGRATULATION RESOLUTIONS

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

Res. No. 1641-07—Michael O. DeFleice.

Res. No. 1642-07—Original Harvest Missionary Baptist Church.

Res. No. 1643-07—MidTown Cleveland, Inc.

Res. No. 1644-07—Fatima Family Center.

Res. No. 1645-07—Myers University.

Res. No. 1646-07—Dr. Ted & Mrs. Jean Castele.

Res. No. 1647-07—Antonio DiIorio.

Res. No. 1648-07—Jay Lucarelli.

Res. No. 1649-07—Gino Colage.

Res. No. 1650-07—Rose Zitiello.

WELCOME RESOLUTION

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

Res. No. 1651-07—Eamon O'Cuiv.

COMMEMORATION RESOLUTION

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

Res. No. 1652-07—Anthony O. Calabrese.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1602-07.**

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

An emergency ordinance authorizing the Director of Public Utilities to transfer property located at the southwest corner of South Marginal Road and Marquette Avenue to the control, possession, and use of the Department of Economic Development, for environmental remediation and development.

Whereas, the Department of Public Utilities desires to transfer certain property under its control to the Department of Economic Development; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the property to be transferred will become a component of the City of Cleveland's industrial

land reutilization program, as established by Ordinance No. 717-05 and, as such, will be regulated by Chapter 5722 of the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, regarding acquisition and disposition of the property; and

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

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

Section 1. That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to transfer the following property, located at the southwest corner of South Marginal Road and Marquette Avenue, known as Permanent Parcel No. 104-02-002, and further depicted in the map placed in File No. 1602-07-A, to the control, possession, and use of the Department of Economic Development.

Section 2. That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

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

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

Ord. No. 1603-07.

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.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of the transfer and disposal of tires in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public

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

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account 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 130767)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)
as Principal and _____

(Name of Surety)
as Surety are hereby held and firmly bound unto the City of Cleveland,

hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

_____. For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal

amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____ Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS: _____

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS: _____

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

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

Ord. No. 1604-07. 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.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years, for the necessary items of construction and demolition debris disposal services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services

as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Service.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Service. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account 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 130768)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address) as Principal and _____

(Name of Surety) as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, per-

taining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

_____. For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____ Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS: _____

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS: _____

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

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

Ord. No. 1605-07. By Council Members Cummins, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of Eglindale Court S.W.

Whereas, under Resolution No. 931-07, adopted June 11, 2007 this Council declared its intention to vacate a portion of Eglindale Court S.W.; and

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

Whereas, on September 11, 2007 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Eglindale Court S.W. (14 11/12 feet wide) extending Easterly from the Easterly right of way line of West 25th Street (66 feet wide) to the Southerly prolongation of the Westerly line of Sublot number 22 in the W. H. Osborn Subdivision as shown by the recorded plat in Volume 6, page 15 of Cuyahoga County Map Records.

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

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

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

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

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

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

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

Ord. No. 1606-07. By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Intergraph for professional services necessary to provide maintenance and support for the Fire/EMS computer aided dispatch and mobile software project, for a period up to one year, with two one-year options to renew.

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with Intergraph for professional services necessary to provide maintenance and support for the Fire/EMS computer aided dispatch and mobile software project, on the basis of its proposal dated July 30, 2007, for a period up to one year, with two one-year options to renew, exercisable by the Director of Public Safety.

The amount of the contract or contract shall not exceed \$123,589.13, and shall be paid from Fund Nos. 01-600101-694100, 01-600103-638000, and 11 SF 006, Request No. 169459.

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

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

Ord. No. 1607-07.

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 Criminal Justice Services Agency for the 2008 Cleveland Team Approach to Domestic Violence; to enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$138,804 from the Criminal Justice Service Agency, to conduct the 2008 Cleveland Team Approach to Domestic Violence, for the purposes set forth in the application and according thereto; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that said funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 1607-07-A, made a part hereof as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$46,260 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with professional consultants to implement the program as described in the file, payable from the fund or funds to which are credited the grant proceeds and cash match accepted under this ordinance.

Section 4. 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 5. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 1608-07.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with International Business Machines Corporation for the purchase of maintenance and support of AS400 servers and various other peripherals, for the Division of Police, Department of Public Safety, for a period up to fourteen months, and two one-year options to renew.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than International Business Machines Corporation. Therefore the Director of Public Safety is authorized to make one or more written contracts with International Business Machines Corporation, on the basis of their proposal dated September 11, 2006, for maintenance and support of AS400 servers and various other peripherals, for a period up to fourteen months and two one-year options to renew, exercisable by the Director of Public Safety, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Police, Department of Public Safety. The cost of the contract or contracts authorized shall not exceed \$91,020.07 and shall be paid from Fund Nos. 01-999800-638000 and 01-600103-638000, Request No. 169458.

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

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

Ord. No. 1609-07.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with New World Systems for the purchase of maintenance for Aegis software, for the Department of Public Safety, for a period up to sixteen months, with two one-year options to renew.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than New World Systems. Therefore the Director of Public Safety is authorized to make one or more written contracts with New World Systems on the basis of two proposals both dated March 2006, for maintenance for Aegis software, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Department of Public Safety, for a period up to sixteen months, with two one-year options to renew, exercisable by the Director of Public Safety. That the cost of the contract or contracts authorized shall not exceed \$171,402.00 and shall be paid from Fund Nos. 01-999800-638000 and 01-600103-638000, Request No. 169457.

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

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

Ord. No. 1610-07.

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

An emergency ordinance to amend Sections 559.02 and 559.241 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by Ordinance No. 1062-06, passed December 11, 2006, relating to designating the cultural gardens and designating the cultural garden located at 741 Martin Luther King Jr. Boulevard as the Armenian Cultural Garden.

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 Sections 559.02 and 559.241 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by Ordinance No. 1062-06, passed December 11, 2006, are amended to read as follows:

Section 559.02 Designation of Cleveland Cultural Gardens

In view of the improvements installed and now existing in Rockefeller Parkway, and with the view to perpetuating the sentimental and historical association established:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Nos. 367, 375-377, 384 and 385 of East Cleveland Township, and bounded and described as follows:

All that portion of Rockefeller Parkway lying between Superior Ave, N. E., on the South, the New York Central Lines, LLC, on the North, except that portion of St. Clair Ave, N. E. lying within these bounds, shall be designated Cleveland Cultural Gardens.

Legal description written in May 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882, subject to all legal highways and easements of record.

Cleveland Cultural Gardens shall be subdivided into units, bounded and described in the following sections.

Section 559.241 Armenian Garden

0.7205 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 50° 02' 35", an arc of 690.00 feet, a chord of 668.28 feet, which bears North 7° 13' 15" West to a point of tangency;

Thence North 17° 48' 03" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 275.00 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the left, having a radius of 1000.00 feet, a central angle of 10° 09' 23", an arc of 177.26 feet, a chord of 177.03 feet, which bears North 12° 43' 21" East;

Thence radial from said centerline South 82° 21' 21" East a distance of 35.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence continuing South 82° 21' 21" East a distance of 115.00 feet to a capped 5/8" iron pin set;

Thence South 1° 00' 40" West a distance of 244.07 feet to a capped 5/8" iron pin set;

Thence South 42° 55' 17" East a distance of 33.90 feet to the Northeast corner of Proposed Garden #30, a capped 5/8" iron pin set;

Thence South 61° 34' 42" West,

along the North line of said Proposed Garden #30, a distance of 80.00 feet to the Northwest corner thereof, a capped 5/8" iron pin set;

Thence parallel to and approximately 5.5' East of the edge of pavement of an existing private drive the following two (2) courses and distances, each to a capped 5/8" iron pin set:

Along a curve deflecting to the left, having a radius of 1053.00 feet, a central angle of 1° 59' 34", an arc of 36.62 feet, a chord of 36.62 feet, which bears North 13° 15' 59" West;

Along a curve deflecting to the left, having a radius of 222.00 feet, a central angle of 38° 20' 29", an arc of 148.56 feet, a chord of 145.80 feet, which bears North 31° 13' 33" West;

Thence North 7° 16' 35" East a distance of 126.10 feet to a point that is 35.00 feet radial from the centerline of said Dr. Martin Luther King, Jr. Drive;

Thence along a curve deflecting to the left, parallel to and 35.00 feet East of the centerline of said Dr. Martin Luther King, Jr. Drive, having a radius of 1035.00 feet, a central angle of 2° 03' 43", an arc of 37.25 feet, a chord of 37.25 feet, which bears North 8° 40' 31" East to the principal place of beginning and containing 0.7205 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 2. That existing Sections 559.02 and 559.241 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by Ordinance No. 1062-06, passed December 11, 2006, are repealed.

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

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

Ord. No. 1611-07.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kelson Avenue to Lavora G. Gadison.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive

lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 120-10-125, as more fully described below, to Lavora G. Gadison.

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

P. P. No. 120-10-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 23 in the H. Clark Ford's Allotment of part of Original One Hundred Acre Lots Nos. 387 and 388 as shown by the recorded plat in Volume 14 of Maps, Page 47 of Cuyahoga County Records, and being 40 feet front on the Northerly line of Kelson Avenue, N.E., and extends back between parallel lines, 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

Ord. No. 1612-07.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 111th Street to Yolanda Savoury.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 120-03-139, as more fully described below, to Yolanda Savoury.

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

P. P. No. 120-03-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 11 and part of Sublot No. 12 in Hamilton's Allotment, of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 24 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 111th Street at the Northwesterly corner of land conveyed to Joseph Pitrone and Carmella Pitrone by deed dated August 16, 1943 and recorded in Volume 5629, Page 131 of Cuyahoga County Records; thence Southerly along the Easterly line of East 111th Street, 50 feet to the Southwesterly corner of land so conveyed to Joseph Pitrone and Carmella Pitrone; thence Easterly, along the Southerly line of land so conveyed, about 121.24 feet to a point distant 54 feet Westerly, measured along said Southerly line from its intersection with the Easterly line of said Sublot No. 12; thence Northerly

ly and parallel with the Easterly line of said Sublot Nos. 12 and 11, 50 feet to the Northerly line of land so conveyed to Joseph Pitrone and Carmella Pitrone as aforesaid; thence Westerly along the Northerly line of land so conveyed, about 121.85 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 1613-07.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 116th Street to Margaret P. Tod Gregory.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 136-19-017, as more fully described below, to Margaret P. Tod Gregory.

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

P. P. No. 136-19-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in William Jantzen's Subdivision of part of Original One Hundred Acre Lot No. 467 as shown by the recorded plat in Volume 15 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 116th Street, 137.51 feet deep on the Northerly line, 137.81 feet deep on the Southerly line and 40 feet wide in the rear, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 1614-07.**By Council Member White.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Ella Avenue to Martin E. Liptak.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 134-15-042, 134-15-043, 134-15-044 and 134-15-057, as more fully described below, to Martin E. Liptak.

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

P. P. No. 134-15-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot of No.9 and the Southwesterly part of Sublot 8 in the Marie Ebding's Re-Subdivision of part of Original Lot No. 464 as shown by the recorded plat in Volume 31 of Maps, Page 7 of Cuyahoga County Records. Said parts of Sublot Nos. 9 and 8 together forming a parcel of land having a frontage of 60 feet on Ella Avenue, S.E. extending back 60 feet on the Northwesterly side and 42 feet on the Northeasterly side, be the same more or less but subject to all legal highways.

P. P. Nos. 134-15-043, 134-15-044 and 134-15-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 7 and part of Sublot Nos. 8 and 9 in Marie Ebdings Re-Subdivision of S.H. Webbs Subdivision of a part of Original One Hundred Acre Lot No. 46 as recorded in Volume 31 of Maps, Page 7 of Cuyahoga County Records bounded and described as follows:

Beginning in the Northerly line of Ella Avenue with the Westerly line of a 10 foot alley, being the Southeast corner of Sublot No. 7 in said Re-Subdivision; thence Northerly along said Westerly line of said alley, a distance of 106.48 feet to the Northeast corner of said Sublot No. 7; thence Westerly along the North-

erly line of Sublot No. 7 a distance of 40.00 feet to the Northwest corner thereof; thence along said Westerly line of Sublot No. 7, a distance of 2.80 feet to the Northerly corner of Sublot No. 9 in said Re-Subdivision; thence Southerly along the Westerly line of Sublot No. 9, a distance of 94.99 feet to the most Northerly corner of land conveyed to Northfield Improvement Company by deed recorded in Volume 5695, Page 190 of Cuyahoga County Records; thence Southerly along said Easterly line of land, 42.00 feet to the Northerly line of Ella Avenue; thence Easterly along the Northerly line of Ella Avenue, a distance of 94.22 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 1615-07.**By Council Member Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Wade Park Avenue to Sarah Washington.

Whereas, the City of Cleveland has elected to adopt and implement

the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-07-024, as more fully described below, to Sarah Washington.

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

P. P. No. 106-07-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio being a part of Original One Hundred Acre No. 383 and bounded and described as follows:

Beginning at the intersection of the Northerly line of Wade Park Avenue, N.E., with the Easterly line of East 82nd Street; thence Easterly along the Northerly line of Wade Park Avenue, N.E. 45 feet; thence Northerly parallel with Easterly 82nd Street, 95 feet; thence Westerly parallel with Wade Park Avenue, N.E., 45 feet to the Easterly line of East 82nd Street; thence Southerly along the Easterly line of East 82nd Street, 95 feet to the place of beginning, and being further known as a part of Parcel No. 41 in L.M. Southern's proposed Allotment of a part of Original One Hundred Acre Nos. 385 and 391, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

tor of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 1619-07.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Shaker Boulevard, Rosehill Avenue to Cleveland Arts and Social Sciences Academy, Inc.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 128-07-038 and 128-06-051, as more fully described below, to Cleveland Arts and Social Sciences Academy, Inc.

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

P.P. No(s). 128-07-038
and 128-06-051

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 121 in the Van Sweringen Company's Re-Subdivision of the Weybridge Land Company's Subdivision No. 1 part of Original One Hundred Acre Lots Nos. 425 and 426 as shown

by the recorded plat of said Re-Subdivision in Volume 49 of Maps, Page 16 of Cuyahoga County Records. Said Sublot No. 121 has a frontage of 40 08/100 feet on the Southerly curved line of Rosehill Avenue, S.E., and extends back 168 33/100 feet on the Easterly line, 165 40/100 feet on the Westerly line, and a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 122 in the Van Sweringen Company's Re-Subdivision of the Weybridge Land Company's Subdivision No. 1 part of Original One Hundred Acre Lots Nos. 425 and 426 as shown by the recorded plat in Volume 49 of Maps, Page 16 of Cuyahoga County Records, and being 50.08 feet front on the Southerly side of Rosehill Avenue, S.E., and extends back 127.40 feet on the Easterly line 131.45 feet on the Westerly line, and has a rear line of 50.50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1616-07.

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

An emergency ordinance declaring a moratorium on the issuance of sidewalk and street obstruction permits to Service Providers as specified in this ordinance.

Whereas, under Ordinance No. 1274-07, passed August 8, 2007, for the reasons stated in the preamble to the ordinance, this Council declared a moratorium on review of applications for and the issuance of obstruction permits under Sections 411.011 and 507.06 the Codified Ordinances of Cleveland, Ohio, 1976, for the placement of Above Ground Facilities in the Public Right-of-Way by Service Providers for a period commencing on the effective date of the ordinance and ending on either the effective date of an ordinance regulating the installation of Above Ground Facilities by Service Providers in the Public Right-of-Way or October 8, 2007, whichever date occurred first; and

Whereas, this Council has not completed its consideration of Ordinance No. 1242-07 for the use of the Public Right-of-Way by Service Providers that includes obtaining a permit for Above Ground Facilities installations and regulates the placement of these facilities in the Public Right-of-Way; and

Whereas, for the reasons contained in the preamble to Ordinance No. 1274-07, passed August 8, 2007 and incorporated by reference herein, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that a moratorium on the review of applications for and the permitting of sidewalk and street obstructions for Above Ground Facilities by Service Providers is necessary to enable this Council to consider reasonable regulation of the installation of these facilities by Service Providers and prevent unregulated proliferation of Above Ground Facilities by Service Providers through the issuance of obstruction permits prior to either the effective date of the City's regulation of Above Ground Facilities or October 8, 2007, whichever occurs first; now therefore,

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

Section 1. That this Council declares a moratorium on review of applications for and the issuance of obstruction permits under Sections 411.011 and 507.06 the Codified Ordinances of Cleveland, Ohio, 1976, for the placement of Above Ground Facilities in the Public Right-of-Way by Service Providers for a period commencing on the effective date of this ordinance and ending on either the effective date of an ordinance regulating the installation of Above Ground Facilities by Service Providers in the Public Right-of-Way or October 8, 2007, whichever date occurs first, provided however that the Director of Public Service

may issue an obstruction permit, or other approval, upon a showing by a Service Provider of the existence of an emergency situation that supports the immediate installation of Above Ground Facilities to remedy the emergency.

Section 2. That, as used in this ordinance, the following words and phrases shall have the following meanings:

(a) "Above Ground Facilities" means that portion of a System located on the surface of the Public Right-of-Way outside of the paved street.

(b) "Facilities" means the plant, equipment and property, including but not limited to, cables, fibers, wires, pipes, conduits, ducts, pedestals, antennae, electronics, poles, pipes, mains, plant, equipment and other appurtenances located in the Public Right-of-Way and used or to be used to operate a System to transmit, receive, distribute, provide or offer a Service.

(c) "Public Right-of-Way" means the surface of, and the space within, through, on, across, above or below, the paved or unpaved portion of any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement and any other land dedicated or otherwise designated for a compatible public use, which is controlled by the City.

(d) "Service Provider" means any person who directly or indirectly owns, controls, operates or manages Facilities within the Public Right-of-Way used or to be used for the purpose of operating a System to transmit, receive, distribute or provide Services.

(e) "Service" means the offering of water, sewer, electric, gas, telephone, telecommunications, cable television, video service, information or other utility-like service for a fee directly to the public, or to the classes of users as to be effectively available to the public, regardless of the Facilities used.

(f) "System" means a network of Facilities for the transmission and/or distribution of a Service.

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.

Pursuant to Rule 19 of the Rules of council, Council Member Kelley elected to recuse himself from the vote regarding Ordinance No. 1616-07. He further requested that the City Record reflect his recusal.

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

The rules were suspended. Yeas 20. Nays 0. Read second time, Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1617-07.

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

An emergency ordinance authorizing the Director of Community Development to lease certain property located at 1550 Superior Avenue to Mental Health Services, Inc., for a term of five years, with one five-year option to renew, for the purpose of operating a transitional housing facility for homeless men; and authorizing the Director to enter into a grant agreement with Mental Health Services, Inc. to provide assistance to purchase furnishing and equipment needed to operate the facility.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease to Mental Health Services, Inc. ("Lessees"), certain property located at 1550 Superior Avenue which is suitable for lease and operation by another party for the public purpose of operating a transitional housing facility for homeless men.

Section 2. That the term of the lease authorized by this ordinance shall not exceed five years, with one five-year option to renew, exercisable by the Director of Community Development.

Section 3. That the property described above shall be leased at a rental of \$1.00, and other valuable considerations, which is determined to be fair market value.

Section 4. That the lease may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Community Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 7. That the Director of Community Development is authorized to enter into a grant agreement with Mental Health Services, Inc. to provide assistance to purchase furnishing and equipment needed to operate the facility as a transitional housing facility for homeless men.

Section 8. That the costs of the grant shall not exceed an amount of \$220,000 and shall be paid from Fund No. 17 SF 652, Request No. 178615.

Section 9. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

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

Ord. No. 1618-07.

By Council Member Turner.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Harvard Community Service Center for the Young Women's Youth Sports and 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 Young Women's Youth Sports and Recreation Program for the public purpose of providing organized recreational and sports activities for high school and elementary girls 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1620-07.**By Council Member Sweeney.**

An emergency ordinance determining the bid of Cleveland Letter Service, Inc. the lowest and best bid for addressing services and mailing services Part I - Self-mailers, Items A, B, C, and D and Part II - In-Envelopes, Items A and B, and authorizing the Clerk of Council to enter into contract with Cleveland Letter Service, Inc. for the necessary items of addressing services and mailing services for a period of two years with two one year options to renew exercisable by the Clerk of 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 Council determines that the bid of Cleveland Letter Service, Inc. for addressing services and mailing services Part I - Self-mailers, Items A, B, C, and D and Part II - In-Envelopes, Items A and B, received on September 7, 2007, in response to the invitation to bid for mailing services for Cleveland City Council, is the lowest and best bid received after advertising in accordance with the Charter and Codified Ordinances of the City of Cleveland.

Section 2. The Clerk of Council is hereby authorized to enter into a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and in accordance with bid specifications, with Cleveland Letter Service, Inc. for the requirements for the period of two years, with two one year options to renew exercisable by the Clerk of Council, for the necessary items of addressing services and mailing services Part I - Self-mailers, Items A, B, C, and D and Part II - In-Envelopes, Items A and B to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for Cleveland City Council. The term of such written requirement contract shall begin on October 1, 2007.

Section 3. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract duly certified by the Director of Finance.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1621-07.**By Council Member Lewis.**

An emergency ordinance authorizing the Director of the Department of Parks, Recreation and Properties to enter into an agreement with Lexington-Bell Community Center for the Summer Enrichment Program through the use of Ward 7 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 Director of the Department of Parks, Recreation and Properties to enter into an agreement with Lexington-Bell Community Center for the Summer Enrichment Program for the public purpose of providing organized educational and recreational activities to youths residing in the city of Cleveland through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1622-07.**By Council Member Britt.**

An emergency resolution supporting the Ohioans for Healthy Families Campaign in its effort to submit legislation known as the Ohio Healthy Families Act to the Ohio General Assembly requiring businesses with more than 25 workers to allow full-time employees to earn 7 paid sick days per year and part-time workers to earn a pro-rated number of paid sick days.

Whereas, 94 million working Americans do not have paid sick days to use to care for a sick child; and

Whereas, nearly half of all private sector workers in the United States are not provided any paid sick time; and

Whereas, two-thirds of part-time female employees also forgo pay when they miss work to care for their children; and

Whereas, too many Ohioans are forced to choose between a sick child or parent and their paycheck; and

Whereas, the average cost to allow workers to earn paid sick days would be 35 cents per day per full-time employee; and

Whereas, the proposed Ohio Healthy Families Act would require businesses with more than 25 workers to allow full-time employees to earn 7 paid sick days per year, and part-time workers could earn a pro-rated number of paid sick days depending on the number of hours worked; and

Whereas, under the proposed Act, earned sick time could be used by an employee for an absence to care for themselves, children, parent or spouse who has a physical or mental illness, injury or medical condition or needs a diagnosis or preventative medical care; and

Whereas, it is the goal of the Ohio Healthy Families Campaign to submit the proposed Act and over 120,000 valid signatures to the Ohio General Assembly by the end of December, 2007; 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 supports the Ohioans for Healthy Families Campaign in its effort to submit proposed legislation known as the Ohio Healthy Families Act to the Ohio General Assembly requiring businesses with more than 25 workers to allow full-time employees to earn 7 paid sick days per year and part-time workers to earn a pro-rated number of paid sick days.

Section 2. That the Clerk of Council is directed to submit copies of this resolution to Gloria J. Fauss of Ohioans for Healthy Families.

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

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

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

Res. No. 1623-07.**By Council Member Santiago.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3726 Clark Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Nayyar, LLC, DBA Clark Sunoco, 3726 Clark Avenue, Cleveland, Ohio 44113, Permanent

Number 6321149 to Clark Mart Corporation, DBA Clark Sunoco, 3726 Clark Avenue, Cleveland, Ohio 44113, Permanent Number 1525480; 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 Liquor Permit from Nayyar, LLC, DBA Clark Sunoco, 3726 Clark Avenue, Cleveland, Ohio 44113, Permanent Number 6321149 to Clark Mart Corporation, DBA Clark Sunoco, 3726 Clark Avenue, Cleveland, Ohio 44113, Permanent Number 1525480; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1624-07.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 6501 Harvard Avenue, and repealing Resolution No. 1089-07, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to Moran Foods, Inc., DBA Save A Lot, #638, 6501 Harvard Avenue by Resolution No. 1089-07 adopted by the Council on July 11, 2007; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Moran Foods, Inc., DBA Save A Lot, #638, 6501 Harvard Avenue, Cleveland, Ohio 44104, Permanent Number 61433910060 be and the same is hereby withdrawn and Resolution No. 1089-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1625-07.

By Council Member Cummins.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 2011 Broadview Road, and repealing Resolution No. 1324-07, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to JBK Sales, Inc., DBA Wedge Inn, 2011 Broadview Road, by Resolution No. 1324-07 adopted by the Council on August 8, 2007; and

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

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to JBK Sales, Inc., DBA Wedge Inn, 2011 Broadview Road, Cleveland, Ohio 44109, Permanent Number 4174557 be and the same is hereby withdrawn and Resolution No. 1324-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1626-07.

By Council Member Cummins.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 5200 Memphis Avenue, and repealing Resolution No. 1325-07, objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to Revenue, Inc., DBA Cinema Lounge, 5200 Memphis Avenue, by Resolution No. 1325-07 adopted by the Council on August 8, 2007; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Revenue, Inc., DBA Cinema Lounge, 5200 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 7315819 be and the same is hereby withdrawn and Resolution No. 1325-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 1418-07.**

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

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

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 1419-07.

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

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

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 1420-07.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with the Detroit Shoreway Community Development Organization, to provide development assistance to partially finance the renovation of the Capitol Theatre located at 1400 West 65th Street, and certain other costs necessary to redevelop the property.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 1424-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of law enforcement and related security services at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control, for a period up to one year,

with two one-year options to renew, or until local, state, or federal law changes police protection authorization or requirements at the City's airports, whichever first occurs.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Public Safety, Finance; when amended as follows:

1. In Section 1, line 3, after "either" insert ": 1"; and between "one year" and the comma, insert "with an initial term that shall not extend beyond December 31, 2008".

2. In Section 1, line 4, after "Port Control" strike ", or" and insert "if authorized by additional legislative authority, or 2)".

3. In Section 1, at the end, add the following: "Any person employed to perform law enforcement or related security services under a contract entered into under the authority of this ordinance shall have Ohio Peace Officer Training Academy certified training and full arrest authority. Upon issuance of the Request for Qualifications ("RFQ"), the Director of Port Control shall provide a copy of it to this Council. Not later than execution of a contract for the services authorized by this ordinance, the Director of Port Control shall submit to this Council the organizational structure that will be employed in the provision of services contemplated by this ordinance. The executive summary, answers to questions posed by this Council and other documents submitted to this Council during the hearings conducted on this ordinance shall be included in legislative File No. 1424-07-A."

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 5.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

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

Those voting nay: Council Members Brady, Cummins, Keane, Polensek and Reed.

Absent: Council Member Lewis.

Ord. No. 1570-07.

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

An emergency ordinance to amend Section 2 of Ordinance No. 747-07, passed May 7, 2007, relating to a contract with Friends of the Historic Variety Theatre, Inc. to provide assistance to partially finance project costs associated with the acquisition, capital reserves, and maintenance of property located at 11816-11824 Lorain Avenue.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED**Res. No. 1269-07.**

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

An emergency resolution declaring the intent to vacate a portion of West 7th Street.

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

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

Res. No. 1270-07.

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

An emergency resolution declaring the intent to vacate a portion of Justin Avenue, S.W.

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

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

LAID ON THE TABLE**Ord. No. 1245-07.**

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 United States Department of Health and Human Services for the ASIST Cleveland 2010 Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, services; and authorizing the director to enter into contract with NEON, and various entities, agencies, or individuals needed to implement the grant.

Without objection, Ordinance No. 1245-07 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 1245-07 laid on the table.

MOTION

By Council Member Conwell, seconded by Council Member Cimperman, and unanimously carried that the absence of Council Member Fannie M. Lewis, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, October 8, 2007, at 7:00 p.m. in the Council Chambers.



Charlene Berry
City Clerk, Clerk of Council
Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 26, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 26, 2007, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Interim Directors Withers, Director Wasik, Acting Director Bialostosky, Directors Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Absent: Mayor Jackson and Directors Smith, Flask and Guzman.

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. 542-07.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dougherty Lumber Company, for an estimated quantity of lumber, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on August 2, 2007, under the authority of Ordinance No. 179-07, passed on February 26, 2007, which on the basis of the estimated quantity would amount to \$649,532.25, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 170629

which shall be certified against the contract in the sum of \$32,500.00.

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

Yeas: Directors Triozzi, Dumas, Interim Directors Withers, Director Wasik, Acting Director Bialostosky, Directors Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Smith, Flask and Guzman.

Resolution No. 543-07.

By Interim Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 14, 2007, for labor and materials to provide maintenance, repair and/or replacement of heating, ventilation and air conditioning systems, for the

Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 681-07, passed July 11, 2007, are rejected.

Yeas: Directors Triozzi, Dumas, Interim Directors Withers, Director Wasik, Acting Director Bialostosky, Directors Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Smith, Flask and Guzman.

Resolution No. 544-07.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 493-07, passed by the Council of the City of Cleveland on April 30, 2007, Stantec Consulting Services is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the Cleveland Pavement Management Demonstration Project.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with Stantec based on its proposal dated July 5, 2007, as amended by its revised cost proposal dated August 29, 2007, provided that the compensation to be paid shall not exceed \$492,411.00 of City funds. The agreement authorized shall be prepared by the Director of Law and shall contain other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Stantec for the above authorized contract is approved:

Quality Engineering Solutions
(DBE) — \$71,035.00

Vanasse Hangen Brustlin
\$31,160.00

Yeas: Directors Triozzi, Dumas, Interim Directors Withers, Director Wasik, Acting Director Bialostosky, Directors Cox, Rush, Hutchinson, Reilly, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Smith, Flask and Guzman.

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, OCTOBER 15, 2007

9:30 A.M.

Calendar No. 07-193: 3162 East 93rd Street (Ward 4)

Orealous Caldwell, owner, appeals to expand the use as a barber shop to include a tattoo shop, in an existing one-story building on a 50' x 165' parcel located in a General Retail Business District on the west side of East 93rd Street at 3162 East 93rd Street; subject to location regulations for specific uses, a tattoo use shall not be established within 1,000 feet of a residential district or a day care center, a school, public library, a church, a playground, a public or nonprofit recreation center or a community center, and no such use shall be established within 1,000 feet of another such use as stated in Sections 347.12(b)(1) and (2) of the Codified Ordinances.

Calendar No. 07-194: 6110 Denison Avenue (Ward 17)

Carlos Ayala and Erica Gomez appeal under the authority of Section 76-6 of the Cleveland City Charter and Section 329.02(d) of the Cleveland Codified Ordinances from the disapproval issued by the Department of Public Health regarding equipment proposed for use in a food service operation to be established at 6110 Denison Avenue.

Calendar No. 07-195: 17605 St. Clair Avenue (Ward 11)

Michael Hribar, appeals for a modification of the decision rendered by the Board of Zoning Appeals from a hearing held on June 18, 2007 regarding a Violation Notice issued by the Building and Housing Department for the property at 17605 St. Clair Avenue for failure to comply with the Zoning Regulations of Section 347.06 of the Cleveland Codified Ordinances.

Calendar No. 07-196: Appeal of North Coast Public Communications, 17801 St. Clair Avenue (Ward 10) North Coast Public Communications and Howard Meister appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Commissioner of Assessments and Licenses to remove a pay phone, located on private property at 17801 Euclid Avenue that has been determined as a nuisance by the Department of Public Safety.

Calendar No. 07-197: Appeal of Clevephones, Inc., 16404 Euclid Avenue - Permit #75 (Ward 10) Clevephones, Inc. and Howard Meister appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Commissioner of Assessments and Licenses to remove multiple payphones that have been determined to be a nuisance by the Department of Public Safety.

Calendar No. 07-197: Appeal of Clevephones, Inc., 16601 Euclid Avenue - Permit #108 (Ward 10) Clevephones, Inc. and Howard Meister appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Commissioner of Assessments and Licenses to remove multiple payphones that have been determined to be a nuisance by the Department of Public Safety.

Calendar No. 07-197: Appeal of Clevephones, Inc., 17229 Euclid Avenue - Permit #89 (Ward 10) Clevephones, Inc. and Howard Meister appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Commissioner of Assessments and Licenses to remove multiple payphones that have been determined to be a nuisance by the Department of Public Safety.

Calendar No. 07-197: Appeal of Clevephones, Inc., 18121 Euclid Avenue - Permit #109 (Ward 10) Clevephones, Inc. and Howard Meister appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Commissioner of Assessments and Licenses to remove multiple payphones that have been determined to be a nuisance by the Department of Public Safety.

Calendar No. 07-197: Appeal of Clevephones, Inc., 3135 Lorain Avenue - Permit #133 (Ward 14) Clevephones, Inc. and Howard Meister appeal under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Commissioner of Assessments and Licenses to remove multiple payphones that have been determined to be a nuisance by the Department of Public Safety.

Calendar No. 07-197: Appeal of Clevephones, Inc., 2626 West 41st Street - Permit #78 (Ward 14) Clevephones, Inc. and Howard Meister appeal under Section 76-6 of

the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Commissioner of Assessments and Licenses to remove multiple payphones that have been determined to be a nuisance by the Department of Public Safety.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 1, 2007

At the meeting of the Board of Zoning Appeals on Monday, October 1, 2007, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 07-174: 10923 Magnolia Drive Magnolia Place / Otis House Condominium Association, owner, and the Montessori Development Partnership, prospective purchaser, appealed to change use from a three dwelling unit Class A Multiple Dwelling to a rooming house/dormitory Class B Multiple Dwelling an existing brick dwelling on the front of an irregular parcel in an AA1 One-Family District; subject to conditions.

Calendar No. 07-189: 4081 Rocky River Drive Lucy Champa appealed to add a "drive through" window to an existing ice cream store in a General Retail Business District; subject to conditions.

The following appeals were **Denied:**

Calendar No. 07-182: 2222 Detroit Avenue - Unit 912 Charles Beau Daane appealed from an action of the City Planning Commission dated March 2, 2007.

Calendar No. 07-186: 2222 Detroit Avenue - Unit 714 Jessica L. Doinidis appealed from an action of the City Planning Commission dated March 2, 2007.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

Calendar No. 07-190: Violation Notice, 3303 East 55th Street Sheila Rose appealed from a Notice of Violation issued by the Building and Housing Department.

The following appeals were **Postponed:**

Calendar No. 07-178: 9709 Meech Avenue postponed to November 19, 2007.

Calendar No. 07-179: 9801 Meech Avenue postponed to November 19, 2007.

Calendar No. 07-180: 9805 Meech Avenue postponed to November 19, 2007.

Calendar No. 07-181: 9809 Meech Avenue postponed to November 19, 2007.

Calendar No. 07-187: 4200 East 71st Street postponed to November 1, 2007.

In Executive Session on October 1, 2007, the following appeals heard by the Board on September 24, 2007 were adopted and approved:

The following appeals were **Approved:**

Calendar No. 07-171: 6700 Harvard Avenue George Glyptis appealed to erect a 24 square foot free-standing sign in front of a restaurant in a General Retail Business District.

Calendar No. 07-173: 961-63 East 128th Street Russell Miller appealed to enclose a second floor front porch of a two family dwelling in a Two-Family District.

Calendar No. 07-177: 11204 Lorain Avenue Aziz Syed appealed to change a retail store to a barbershop in a Residence Office District.

Calendar No. 07-184: 495 Miller Court Ted Sarko appealed to construct a three-story dwelling and detached garage in Two-Family District.

Calendar No. 07-185: 493 Miller Court Ted Sarko appealed to construct a three-story dwelling and detached garage in a Two-Family District.

Calendar No. 07-120: 2033-2107 Clover Avenue JOS Development appealed to erect five new townhouses in two separate buildings of two and three units on two consolidated parcels in a Two-Family District.

On October 1, 2007 the following appeal heard by the Board on September 10, 2007 was adopted and approved.

The following appeal was **Approved:**

Calendar No. 07-160: 12530 Union Avenue Walter Brown appealed to expand an existing day care to an adjacent property in a Two-Family District.

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

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, OCTOBER 12, 2007

File No. 256-07 — Various Paper Products and Print Services (Re-Bid), for Cleveland City Council, as authorized by Ordinance No. 1077-07, passed by the Council of the City of Cleveland, July 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 4, 2007 AT 1:00 P.M., CLEVELAND CITY COUNCIL, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 258-07 — Labor and Materials Necessary to Maintain Plate Trucks, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 825-07, passed by the Council of the City of Cleveland, August 8, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 5, 2007 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

September 26, 2007 and October 3, 2007

WEDNESDAY, OCTOBER 17, 2007

File No. 257-07 — Microfiche and CD Rom Services (Re-Bid), for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 884-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, OCTOBER 9, 2007 AT 1:30 P.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 259-07 — Cab/Chassis with Dry Goods Van Body, Body Conversion and Technical Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1237-07, passage pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 8, 2007 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

September 26, 2007 and October 3, 2007

THURSDAY, OCTOBER 18, 2007

File No. 260-07 — Department of Finance Office Renovation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2143-03, passed by the Council of the City of Cleveland, February 9, 2004.

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, OCTOBER 11, 2007 AT 11:00 A.M., CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM #517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 261-07 — Office of Equal Opportunity Office Renovation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 485-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS AND NO CASH WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 11, 2007 AT 10:00 A.M., CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM #517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 26, 2007 and October 3, 2007

FRIDAY, NOVEMBER 2, 2007

File No. 262-07 — Labor and Materials to Test, Evaluate, Repair or Replace Roofs and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1626-06, passed by the Council of the City of Cleveland, November 20, 2006.

THERE WILL BE A **MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 12, 2007 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 26, 2007 and October 3, 2007

FRIDAY, OCTOBER 19, 2007

File No. 263-07 — Traffic Paint and Glass Beads, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 639-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 12, 2007 AT 11:00 A.M., DIVISION OF TRAFFIC ENGINEERING, ROOM #518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 264-07 — West 127th Street Sewer Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 831-07, passed by the Council of the City of Cleveland, August 8, 2007.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS AND NO CASH WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 11, 2007 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

October 3, 2007 and October 10, 2007

FRIDAY, OCTOBER 26, 2007

File No. 265-07 — Spring Parts and Repair Contract (Re-Bid), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, OCTOBER 16, 2007 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

October 3, 2007 and October 10, 2007

FRIDAY, NOVEMBER 2, 2007

File No. 266-07 — Big Creek Watershed Stormwater Management Improvement Project Phase 1, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 952-05, passed by the Council of the City of Cleveland, June 6, 2005, and as authorized by Ordinance No. 1784-05, passed by the Council of the City of Cleveland, September 19, 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 WEDNESDAY, OCTOBER 17, 2007 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

October 3, 2007 and October 10, 2007

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1571-07.

By Mayor Jackson and Council Members Pierce Scott, Sweeney, Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Johnson, Keane, Kelley, Lewis, Polensek, Reed, Santiago, Turner, Westbrook, White and Zone (by departmental request).

An emergency resolution supporting The Ohio Coalition for Responsible Lending in its effort to encourage Ohio legislators to adopt legislation to help protect consumers from high cost payday loans.

Whereas, Ohio working families pay millions of dollars in excessive fees every year, as payday lenders across the state routinely flip small cash advances into long-term, high-cost loans with an annual percentage rate ("APR") up to 391 percent; and

Whereas, the average payday borrower is getting 13 or more payday loans per year, putting them in a financial debt trap; and

Whereas, the average payday borrower pays \$600 to borrow \$325 through repeat borrowing; and

Whereas, payday lending traps several hundred thousand Ohio families annually in a cycle of chronic borrowing, as over half of payday revenues are extracted from borrowers who take out 12 or more loans per year; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that The Coalition for Responsible Lending seeks to make fair and just lending practices by small lenders a

reality for all Ohio cities by encouraging state legislators to adopt legislation to help protect consumers from high cost payday loans; now, therefore,

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

Section 1. That this Council opposes the unfair lending practices within the payday loan industry in the State of Ohio.

Section 2. That this Council urges the Ohio General Assembly to adopt legislation to protect all Ohio residents from these unfair lending practices by establishing a rate cap for payday and small loan lending at an APR of 36% and other measures to break the cycle of chronic borrowing that payday lending creates.

Section 3. That this Council supports The Ohio Coalition for Responsible Lending and its goals and endorses its campaign for just legislation.

Section 4. That the Clerk of Council is authorized and directed to provide a copy of this resolution to the Ohio Coalition for Responsible Lending and the Cuyahoga County delegation to the Ohio General Assembly.

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

Adopted September 24, 2007.
Effective September 28, 2007.

Res. No. 1574-07.

By Council Member Cimperman.

An emergency resolution withdrawing objections to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1146 Old River Road, and repealing Resolution Nos. 1406-06 and 1151-07, objecting to said renewals.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 1146 Old River Road, DBA Beachcombers in the Flats, 1146 Old River Road, Cleveland, Ohio 44114 by Resolution No. 1406-06 adopted by the Council on August 9, 2006 and Resolution No. 1151-07 adopted by the Council on July 11, 2007; and

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

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

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

Section 1. That objections to a D1, D2, D3, D3A and D6 Liquor Permit to 1146 Old River Road, DBA Beachcombers in the Flats, 1146 Old River Road, Cleveland, Ohio 44114, Permanent Number 6549278 be and the same is hereby with-

drawn and Resolution Nos. 1406-06 and 1151-07, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 24, 2007.
Effective September 28, 2007.

Res. No. 1575-07.

By Council Member Turner.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14720 Harvard Avenue, and repealing Resolution No. 1108-07 objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit at 14720 Harvard Avenue by Resolution No. 1108-07 adopted by the Council on July 11, 2007; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 14720 Harvard, Inc., DBA Harvard Deli, 14720 Harvard Avenue, Cleveland, Ohio 44128, Permanent Number 6549673 be and the same is hereby withdrawn and Resolution No. 1108-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 24, 2007.
Effective September 28, 2007.

Res. No. 1576-07.

By Council Member White.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3643 East 116th Street and repealing Resolution No. 1103-07, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to Rana Quraan, Inc., DBA Nadia's, 3643 East 116th Street, Cleveland, Ohio 44105,

Permanent Number 7184705 by Resolution No. 1103-07 adopted by the Council on July 11, 2007; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Rana Quraan, Inc., DBA Nadia's, 3643 East 116th Street, Cleveland, Ohio 44105, Permanent Number 7184705 be and the same is hereby withdrawn and Resolution No. 1103-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 24, 2007.

Effective September 28, 2007.

**Ord. No. 1234-07,
By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance determining the Video Service Provider Fees to be paid by a video service provider offering video service in the City of Cleveland pursuant to state authorization; and authorizing the Director of Public Utilities to give notice to authorized video service providers of the Video Service Provider Fees.**

Whereas, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Revised Code, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service, which will substantially reduce the City of Cleveland's existing authority to regulate cable and/or video service offered in the City using facilities located in the City's public rights-of-way; and

Whereas, the City of Cleveland entered into a cable television franchise agreement with Time Warner and pursuant to which Time Warner pays franchise fees in the amount of five percent (5%) of gross revenues which are defined by the franchise to include advertising revenues; and

Whereas, under Section 1332.23 of the Revised Code, any new video service provider intending to provide video service to subscribers in the City must apply for and obtain a video service authorization from the Director of the Ohio Department of Commerce; and

Whereas, Section 1332.23 of the Revised Code also permits a cable operator with an effective franchise agreement to terminate its franchise with the City, at its option, by applying for a state-issued video service authorization when a competitive video service provider either gives notice that it will begin providing service to subscribers in the City or actually begins providing service to subscribers in the City, or if the FCC determines that the cable operator is subject to "effective competition" in the City pursuant to 47 CFR 76.907; and

Whereas, under Section 1332.32 of the Revised Code, a video service provider that is providing service to subscribers in the City pursuant to a state-issued video service authorization must pay the City Video Service Provider Fees ("VSP Fees") based on a percentage of the provider's "gross revenues" derived from providing video service in the City, not to exceed five percent (5%) of such revenues; and

Whereas, Section 1332.32 of the Revised Code requires that the percentage of gross revenues on which VSP Fees is paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect, or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fees shall be zero percent (0%) of gross revenues, unless the City determines by Ordinance that the VSP Fees will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and

Whereas, division (C)(2) of Section 1332.32 of the Revised Code further requires the City to provide all video service providers offering service in the City with notice of the VSP Fees within ten (10) days of receiving notice from the video service provider that it will begin offering service in the City, or the video service provider is not required to pay VSP Fees to the City; and

Whereas, division (B)(2)(g) of Section 1332.32 of the Revised Code provides that the VSP Fees are paid on a base of gross revenues consisting of revenues received from subscribers only, unless the City specifically determines, by Ordinance uniformly applicable to all video service providers, that advertising revenues also be included in the base of gross revenues on which the VSP Fees are paid; and

Whereas, division (B)(2)(g) of Section 1332.32 of the Revised Code requires the City to promptly notify affected video service providers of the Ordinance determining to include advertising revenues in the base of gross revenues on which the VSP Fees are paid, but provides that the requirement to include advertising revenues in the base of gross revenues does not take effect until the first day of the first calendar quarter that begins more than thir-

ty (30) days after giving such notice; and

Whereas, in order to minimize the negative financial impact on the City it is the intent of this Council to charge the maximum VSP Fees with the most expansive definition of Gross Revenues allowed by law; and

Whereas, in order to provide timely notice to a video service provider of the VSP Fees, it is necessary for this Council to determine now that the percentage of gross revenues on which the VSP Fees will be paid is five percent (5%) and that advertising revenues shall be included in the base of gross revenues on which the VSP Fees are paid, and to authorize the Director of Public Utilities to provide notice of the VSP Fees to a video service provider within ten (10) days of the City receiving notice that a video service provider will begin providing service in the City; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, safety and welfare in order to ensure that the City continues to receive appropriate fees from persons providing video and/or cable service in the City using the City's rights-of-way and 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, in accordance with the requirements of Section 1332.32 of the Revised Code, all video service providers providing video service in the City pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce shall pay Video Service Provider Fees ("VSP Fees") in the amount of five percent (5%) of gross revenues received from providing video service in the City, which gross revenue base shall include advertising revenues. The VSP Fee shall be paid quarterly, not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

Section 2. That, no later than ten (10) days from receipt of notice from a video service provider that it will begin providing video service in the City pursuant to a state-issued video service authorization, the Director of Public Utilities is authorized and directed to provide such video service provider with notice of the VSP Fees as determined by this Council under Section 1 of this ordinance, which notice shall be given by regular and certified mail.

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

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

Passed September 24, 2007.

Effective September 28, 2007.

Ord. No. 1236-07.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Motorola for equipment and supplies to operate the radio system and its subscriber units, including equipment, installation and maintenance, for the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Motorola. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Motorola under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed two years of the necessary items of equipment and supplies to operate the radio system and its subscriber units, including equipment, installation and maintenance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 169204)

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 September 24, 2007.

Effective September 28, 2007.

Ord. No. 1237-07.

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

An emergency ordinance authorizing the purchase by one or more contracts of one customized production truck for TV-23, for the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) customized production truck for TV-23, including but not limited to, a digitally wired customized box that would house the engineering, switching, graphics, and audio stations for taping productions off-site, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Department of Public Utilities.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 50 SF 001, Request No. 156368.

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 September 24, 2007.

Effective September 28, 2007.

Ord. No. 1238-07.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with Surface Systems, Inc. to upgrade the existing surface sensor system, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and

cannot be secured from any source other than Surface Systems, Inc. Therefore the Director of Port Control is authorized to make one or more written contracts with Surface Systems, Inc. on the basis of its proposal dated April 3, 2006, in an amount not to exceed \$50,000, to upgrade the existing surface sensor system, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Cleveland Hopkins International Airport, Department of Port Control. The contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 158698.

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 September 24, 2007.

Effective September 28, 2007.

Ord. No. 1239-07.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide professional services necessary to provide drawings of the existing and proposed Airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration, and to update drawings as required, for a period of two years with two one-year options to renew.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide drawings of the existing and proposed Airfield signage, lighting, and marking plans, as required for certification of Cleveland Hopkins International Airport by the Federal Aviation Administration, and to update drawings as required, for a period of two years with two one-year options to renew. The first of the one-year options to renew shall not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew shall be exercisable at the option of the Director

of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall not exceed \$75,000 and shall be paid from Fund No. 60 SF 001, Request No. 168405.

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 September 24, 2007.

Effective September 28, 2007.

Ord. No. 1240-07.

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

An emergency ordinance authorizing the Director of Port Control to enter into a license agreement with the Sensis Corporation granting access to portions of Cleveland Hopkins International Airport and Burke Lakefront Airport for the purpose of installing, operating, maintaining, repairing, and replacing equipment to conduct research relating to the Next Generation Air Traffic System, for a period of eighteen months, with one option to renew for an additional one-year term.

Whereas, under the authority of Section 183.16 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control entered into a Use Agreement with Sensis Corporation granting access to portions of Cleveland Hopkins International Airport and Burke Lakefront Airport to conduct research relating to the Next Generation Air Traffic System ("NGATS"); and

Whereas, Section 183.16 limits agreements entered into under that section to a period of one year or until the project is completed, whichever occurs first; and

Whereas, the research that Sensis Corporation is conducting has not been completed and additional time is necessary; and

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

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

Section 1. That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into a license agreement with Sensis Corporation granting access to portions of Cleveland Hopkins International Airport and Burke Lakefront Airport for the purpose of installing, operating, maintaining, repairing, and replacing equipment to conduct research relating to NGATS.

Section 2. That the term of the license agreement shall be for a period of eighteen months, with one option to renew for an additional one-year term, exercisable by the Director of Port Control.

Section 3. That the license agreement shall be at no cost to either party and may include reasonable right of entry rights to the City.

Section 4. That the license agreement shall be prepared by the Director of Law.

Section 5. That the Director of Port Control and the Director of Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the license agreement authorized by this ordinance.

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

Passed September 24, 2007.

Effective September 28, 2007.

Ord. No. 1241-07.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more amendments to Contract No. 66178 with Era Systems Corporation to conduct additional noise monitoring system software upgrades and maintenance.

Whereas, under Ordinance No. 1069-06, passed August 9, 2006, this Council entered into Contract No. 66178 with BAE Systems Information and Electronic Systems Integration, Inc. ("BAE Systems") for noise monitoring system software upgrades and maintenance; and

Whereas, by letter dated May 15, 2007, BAE Systems requested the City's consent to assign all of BAE Systems' interests and certain obligations under Contract No. 66178 to Era Systems Corporation; and

Whereas, the Board of Control consented to the assignment of Contract No. 66178 to Era Systems Corporation under Board of Control Resolution No. 335-00, approved June 25, 2007; and

Whereas, additional upgrades and maintenance are necessary; and

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into one or more amendments to Contract No. 66178 with Era Systems Corporation to conduct additional noise monitoring system software upgrades and maintenance.

Section 2. That the cost of the contract amendments shall not exceed \$132,964.00 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, 60 SF 141, 60 SF 119, from the fund or sub-funds to which are credited the proceeds of any grants, and passenger facility charges, if issued for this purpose, Request No. 168425.

Section 3. That the contract amendments authorized shall be prepared by the Director of Law.

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

Passed September 24, 2007.

Effective September 28, 2007.

Ord. No. 1243-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of LED bulbs, for the Division of Traffic Engineering, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of LED bulbs used in traffic and pedestrian signals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. 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 Com-

missioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, and 20 SF 510 and 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 171952)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed September 24, 2007.
Effective September 28, 2007.

Ord. No. 1244-07.

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

An emergency ordinance authorizing the Director of Public Service to enter into a property adoption agreement with Midtown Cleveland, Inc., to provide lighting, maintenance, landscaping, and other fixtures to property located at the southeast corner of Euclid Avenue and East 55th Street.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is autho-

riized to enter into a property adoption agreement with Midtown Cleveland, Inc., to provide lighting, maintenance, landscaping, and other fixtures to property within the northern triangular section of Permanent Parcel No. 118-11-001, which is located at the southeast corner of Euclid Avenue and East 55th Street.

Section 2. That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

Section 3. That the Director of Public Service is authorized to accept the gift of any improvements to the adopted property landscaped and maintained by Midtown Cleveland, Inc., except for the sculpture entitled "The Politician: A Toy", which will be relocated to the adopted property and maintained under the terms and conditions of the property adoption agreement authorized in this ordinance.

Section 4. That the property adoption agreement authorized shall be prepared by the Director of Law.

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

Passed September 24, 2007.
Effective September 28, 2007.

Ord. No. 1255-07.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ a management firms to provide managerial services for the daily operations of the roller skating rink located within Zelma Watson George Recreation Center and the concession services of the center, for a period of five years with an option to renew for five one-year terms.

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 employ by contract or contracts a management firm for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide managerial services for the daily operations of the roller skating rink located within Zelma Watson George Recreation Center and the concession services of the center, for a period of five years with an option to renew for five one-year

terms, exercisable by the Director of Parks, Recreation and Properties.

The selection of the management firm for the services shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified management firms available for employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties 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 authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 2. That the cost of the contract authorized shall be paid from Fund No. 01-700401-638000. All profits received shall be deposited into Fund No. 10 SF 124 and shall be used to pay the cost of future capital improvements and operating expenses at the Zelma Watson George Recreation Center, which are not the obligation of the manager under the Agreement. Request No. 164532.

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 September 24, 2007.
Effective September 28, 2007.

Ord. No. 1397-07.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, of the necessary items of various materials, equipment, supplies, and services

necessary to improve and update computers, e-mail service, and for server consolidation and remote e-mail access, including but not limited to routers, switches, uninterrupted power supply batteries, and various equipment and ancillary equipment to replace unreliable, unstable, and obsolete equipment, archive e-mail boxes, implement a server consolidation project, and implement the Secure Remote E-mail Access System Project, in the estimated sum of \$57,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be paid from Fund No. 20 SF 509 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement a server consolidation project and the Secure Remote E-mail Access System Project, including but not limited to assessing, managing, installing, designing, configuring, training, testing, integrating, linking, migrating, optimizing, and other related services.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of

Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance.

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

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

Passed September 24, 2007.
Effective September 28, 2007.

**Ord. No. 1398-07.
By Council Member Sweeney (by departmental request).**

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

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Mary Taylor, Ohio State Auditor, for professional services necessary to complete an independent assessment and to express the opinion of the City whether the 2007 financial statements fairly present the financial position of the City and other things; and to authorize the auditor to complete two statements on Auditing Standards for the Divisions of Water and Taxation.

Section 2. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare financial statements and to provide accounting and auditing training.

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

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

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

Passed September 24, 2007.
Effective September 28, 2007.

**Ord. No. 1417-07.
By Council Members Cimperman, Johnson and Sweeney (by departmental request).**

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

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

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

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

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

PPN: 104-14-010, 011 and 012

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

Records and together bounded and described as follows:

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

Thence continuing along said Easterly line of East 55th Street, 335.00 feet to the Northwesterly corner of said Sublot No. 69 in M. B. Sterling's Allotment; thence Easterly, along a Northerly line of said Sublot No. 69, 153.00 feet to a point, said point being at the Northwesterly corner of a "T" turn — around for an alley (10 feet wide); thence Southerly, along the Westerly line of said Alley, 12.00 feet to an angle point therein; thence Easterly, along a line at right angles to said last described line, 7.00 feet to an angle point therein; thence Southerly, along the Westerly line of said alley, 323.00 feet to the Southeastly corner of said Sublot No. 62; thence Westerly, along said Southerly line of Sublot No. 62, 160.00 feet to the place of beginning, and containing 53,516 square feet (1.2286 Acres) of land, according to a survey dated November, 1984, by the City of Cleveland, Department of Public Service, Division of Engineering and Construction, Plats and Surveys, be the same more or less, but subject to all legal highways.

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

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

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

Passed September 24, 2007.
Effective September 28, 2007.

Ord. No. 1572-07.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 2007 Tremont Walk for Chernobyl on September 29, 2007, to benefit the Children of Chernobyl Relief and Development Fund.

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 the City of Cleveland, 1976, this Council consents to and approves the holding of the 2007 Tremont Walk for Chernobyl on September 29, 2007, with the walk beginning at Lincoln Park and progressing west down Kenilworth Avenue to Scranton, south on Scranton to Clark Avenue, then east on Clark Avenue to West 14th, north on West 14th to Starkweather, then east on Starkweather bearing northeast on Jefferson, southeast at Professor Street, east at Starkweather, then northwest at West 7th Street to College, southwest on College then northwest on Professor, then southwest on Literary, north on West 11th Street, west at Fairfield, south on West 14th across Kenilworth to the finish at Lincoln Park. The applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of the City of Cleveland, 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 a 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 September 24, 2007.
Effective September 28, 2007.

Ord. No. 1573-07.
By Council Member Zone.
An emergency ordinance authorizing the Clerk of Council to dispense beer and wine at an event in Cleveland City Council on October 1, 2007.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the Clerk of Council is hereby authorized to dispense beer and wine at an event in Cleveland City Council on October 1, 2007.

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 September 24, 2007.
Effective September 28, 2007.

COUNCIL COMMITTEE MEETINGS

**Monday, October 1, 2007
11:00 a.m.**

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

1:00 p.m.

Aviation and Transportation Committee, Public Safety Committee and Finance Committee: Present in **Aviation:** Kelley, Chair; Westbrook, Vice Chair; Keane, Cleveland, Britt, Turner, Brancatelli.

Present in **Safety:** Conwell, Chair; Brady, Vice Chair; Britt, Polensek, Coats, Kelley, Cummins, Turner, Santiago.

Present in **Finance:** Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White. *Protempore:* Cleveland.

2:00 p.m.

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

Present in **Finance:** Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White. *Protempore:* Cleveland.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White. *Protempore:* Cleveland.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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E. 111th St. — Yolanda Savoury (O 1612-07) 1805
Ella Ave. — Martin E. Liptak (O 1614-07) 1806
Kelton Ave. — Lavora G. Gadison (O 1611-07) 1804
Shaker Blvd., Rosehill Ave. — Cleveland Arts and Social Sciences Academy, Inc.
(O 1619-07) 1807
Wade Park Ave. — Sarah Washington (O 1615-07) 1806

Leases

Mental Health Services, Inc. — lease certain property — 1550 Superior Ave. — housing
facility for homeless men (O 1617-07) 1808

Liquor Permits

Broadview Rd., 2011 — objection — withdraw (Ward 15) (R 1625-07) 1810
Clark Ave., 3726 — objection (Ward 14) (R 1623-07) 1809
E. 116th St., 3643 — objection — withdraw (Ward 2) (R 1576-07) 1815
Harvard Ave., 14720 — objection — withdraw (Ward 1) (R 1575-07) 1815
Harvard Ave., 6501 — objection — withdraw (Ward 12) (R 1624-07) 1810
Ivanhoe Rd., 1023 rear & 1025 — transfer (Ward 11) (F 1632-07) 1799
Lorain Ave., 13601 — transfer (Ward 20) (F 1633-07) 1799
Lorain Ave., 17007 — transfer (Ward 21) (F 1634-07) 1799
Memphis Ave., 5200 — objection — withdraw (Ward 15) (R 1626-07) 1810
Old River Rd., 1146 — objection — withdraw (Ward 13) (R 1574-07) 1815
W. 130th St., 4611 — transfer (Ward 20) (F 1631-07) 1799

Neighborhood Equity Funds

Summer Enrichment Program — Lexington-Bell Community Center — agreement —
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Young Women's Youth Sports and Recreation Program — Harvard Community Service Center —
agreement — Ward 1 (O 1618-07) 1808

Ohio General Assembly

Ohio Healthy Families Act (legislation) — supporting campaign — paid sick days
(R 1622-07) 1809

Parks, Recreation and Properties Department

Armenian Cultural Garden — designating the cultural gardens — amend Sects. 559.02 & 559.241
(O 1610-07) 1803
E. 55th St., 1465-67 — sell City-owned property — Ozanne Construction Company, Inc.
(O 1417-07) 1820
Summer Enrichment Program — Lexington-Bell Community Center — agreement — Ward 7 NEF
(O 1621-07) 1809
Young Women's Youth Sports and Recreation Program — Harvard Community Service Center —
agreement — Ward 1 NEF (O 1618-07) 1808
Zelma Watson George Recreation Center — roller skating rink — managerial services for the
daily operations (O 1255-07) 1819

Permits

Sidewalk and street obstruction permits — Service Providers — declaring a moratorium (O 1616-07)	1807
Tremont Walk for Chernobyl, 2007 — permit — Children of Chernobyl Relief and Development Fund (O 1572-07)	1821

Police Division

AS400 servers — maintenance and support — International Business Machines Corporation (O 1608-07)	1803
Law enforcement and related security services — purchase — Cleveland Hopkins International Airport and Burke Lakefront Airport (O 1424-07)	1811

Port Control Department

Airfield signage, lighting, and marking plans — provide drawings — professional services — Cleveland Hopkins International Airport (O 1239-07)	1817
Airport System Refunding bonds and Airport System Revenue Bonds — intend to issue and refund — Department of Finance (F 1627-07)	1799
Era Systems Corporation — amendments to Contract No. 66178 — noise monitoring system software upgrades (O 1241-07)	1818
Law enforcement and related security services — purchase — Cleveland Hopkins International Airport and Burke Lakefront Airport (O 1424-07)	1811
Next Generation Air Traffic System — Sensis Corporation — license agreement — equipment to conduct research — Cleveland Hopkins International Airport and Burke Lakefront Airport (O 1240-07)	1818
Surface Systems, Inc. — contracts — surface sensor system — upgrade — Cleveland Hopkins International Airport (O 1238-07)	1817

Predatory Lending

Ohio Coalition for Responsible Lending, The — encourage Ohio legislators — protect consumers — high cost payday loans (R 1571-07)	1815
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Professional Services

Airfield signage, lighting, and marking plans — provide drawings — Cleveland Hopkins International Airport (O 1239-07)	1817
Computers, e-mail service — improve and update — purchase — Division of Information Technology and Services (O 1397-07)	1819

Purchases and Supplies Division

E. 55th St., 1465-67 — sell City-owned property — Ozanne Construction Company, Inc. (O 1417-07)	1820
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Resolutions — Miscellaneous

Ohio Coalition for Responsible Lending, The — encourage Ohio legislators — protect consumers — high cost payday loans (R 1571-07)	1815
Ohio Healthy Families Act (legislation) — supporting campaign — paid sick days (R 1622-07)	1809

Right-of-Way

Sidewalk and street obstruction permits — Service Providers — declaring a moratorium (O 1616-07)	1807
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Safety Department

Aegis software — maintenance — New World Systems (O 1609-07)	1803
AS400 servers — maintenance and support — International Business Machines Corporation — Division of Police (O 1608-07)	1803
Cleveland Team Approach to Domestic Violence 2008 — grant — Criminal Justice Services Agency — Cuyahoga County — implement the program (O 1607-07)	1803
Fire/EMS computer aided dispatch and mobile software project — Intergraph — contracts (O 1606-07)	1802
Law enforcement and related security services — purchase — Cleveland Hopkins International Airport and Burke Lakefront Airport (O 1424-07)	1811

Service Department

Cleveland Brown's Stadium — Structural Repairs — Contract No. 66942 — Public Service —
 statement of work acceptance (F 1635-07) 1799

Cleveland Fire Stations — Various Upgrades — Contract No. 66840 — Public Service —
 statement of work acceptance (F 1636-07) 1800

Debris disposal services — construction and demolition — Division of Waste Collection and
 Disposal (O 1604-07)..... 1801

Eglindale Court S.W. — vacate (O 1605-07) 1802

Justin Ave., S.W. — intent to vacate (R 1270-07)..... 1811

LED bulbs — purchase — Division of Traffic Engineering (O 1243-07) **1818**

Midtown Cleveland, Inc., — property adoption agreement — Euclid Ave. & E. 55th St.
 (southeast corner) — lighting, maintenance, landscaping, & other fixtures
 (O 1244-07) **1819**

Sidewalk and street obstruction permits — Service Providers — declaring a moratorium
 (O 1616-07) 1807

Tires (transfer and disposal) — Division of Waste Collection and Disposal (O 1603-07)..... 1800

Tremont Walk for Chornobyl, 2007 — permit — Children of Chornobyl Relief and Development
 Fund (O 1572-07)..... **1821**

W. 7th St. — intent to vacate (R 1269-07) 1811

Stadium

Cleveland Brown's Stadium — Structural Repairs — Contract No. 66942 — Public Service —
 statement of work acceptance (F 1635-07) 1799

State Auditor

Taylor, Mary, Ohio State Auditor — contracts — assessment — 2007 financial statement —
 two statements of Auditing Standards — Divisions of Water and Taxation — accounting
 and auditing training (O 1398-07) **1820**

Statement of Work Acceptance

Cleveland Brown's Stadium — Structural Repairs — Contract No. 66942 — Public Service
 (F 1635-07) 1799

Cleveland Fire Stations — Various Upgrades — Contract No. 66840 — Public Service
 (F 1636-07) 1800

Street Vacation

Eglindale Court S.W. — vacate (O 1605-07) 1802

Justin Ave., S.W. — intent to vacate (R 1270-07)..... 1811

W. 7th St. — intent to vacate (R 1269-07) 1811

Tabled Legislation

ASIST Cleveland 2010 Program — grant — U. S. Department of Health and Human Services
 (O 1245-07) **1811-T**

Taxation Division

Taylor, Mary, Ohio State Auditor — contracts — assessment — 2007 financial statement —
 two statements of Auditing Standards — Divisions of Water and Taxation — accounting
 and auditing training (O 1398-07) **1820**

Traffic Engineering & Parking Division

LED bulbs — purchase (O 1243-07) **1818**

Utilities Department

Customized production truck for TV-23 — purchase (O 1237-07) **1817**

Motorola — requirement contracts — equipment and supplies — radio system (O 1236-07) **1817**

S. Marginal Rd. & Marquette Ave. (southwest corner) — transfer property from Public
 Utilities to Economic Development Depts. — environmental remediation and development
 (O 1602-07) 1800

Sidewalk and street obstruction permits — Service Providers — declaring a moratorium (O 1616-07)..... 1807

Video Service Provider Fees — paid by — provider offering video service (O 1234-07) **1816**

Ward 01

Harvard Ave., 14720 — objection — withdraw — liquor permit (R 1575-07)	1815
Young Women's Youth Sports and Recreation Program — Harvard Community Service Center — agreement — NEF (O 1618-07)	1808

Ward 02

E. 116th St. — Land Reutilization Program — Margaret P. Tod Gregory (O 1613-07)	1805
E. 116th St., 3643 — objection — withdraw — liquor permit (R 1576-07)	1815
Ella Ave. — Land Reutilization Program — Martin E. Liptak (O 1614-07)	1806

Ward 03

DeFleice, Michael O. — congratulation (R 1641-07)	1800
Perkins, Bessie L. — condolence (R 1639-07)	1800
Zelma Watson George Recreation Center — roller skating rink — managerial services for the daily operations (O 1255-07)	1819

Ward 04

Moreland Theatre Complex — 11810 Buckeye Rd. — redevelop the property — financial assistance — Buckeye (Cleveland) Area Development Corporation — Economic Development (O 1418-07)	1811
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Ward 05

MidTown Cleveland, Inc. — congratulation (R 1643-07)	1800
Midtown Cleveland, Inc., — property adoption agreement — Euclid Ave. & E. 55th St. (southeast corner) — lighting, maintenance, landscaping, & other fixtures (O 1244-07)	1819
Original Harvest Missionary Baptist Church — congratulation (R 1642-07)	1800

Ward 06

DeFleice, Michael O. — congratulation (R 1641-07)	1800
Shaker Blvd., Rosehill Ave. — Land Reutilization Program — Cleveland Arts and Social Sciences Academy, Inc. (O 1619-07)	1807

Ward 07

Fatima Family Center — congratulation (R 1644-07)	1800
Ginyard, Rose Lee — condolence (R 1637-07)	1800
Summer Enrichment Program — Lexington-Bell Community Center — agreement — Ward 7 NEF (O 1621-07)	1809
Wade Park Ave. — Land Reutilization Program — Sarah Washington (O 1615-07)	1806

Ward 09

E. 111th St. — Land Reutilization Program — Yolanda Savoury (O 1612-07)	1805
Kelton Ave. — Land Reutilization Program — Lavora G. Gadison (O 1611-07)	1804

Ward 11

Ivanhoe Rd., 1023 rear & 1025 — transfer — liquor permit (F 1632-07)	1799
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Ward 12

Harvard Ave., 6501 — objection — withdraw — liquor permit (R 1624-07)	1810
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Ward 13

E. 55th St., 1465-67 — sell City-owned property — Ozanne Construction Company, Inc. (O 1417-07)	1820
Mental Health Services, Inc. — lease certain property — 1550 Superior Ave. — housing facility for homeless men (O 1617-07)	1808
Old River Rd., 1146 — objection — withdraw — liquor permit (R 1574-07)	1815
S. Marginal Rd. & Marquette Ave. (southwest corner) — transfer property from Public Utilities to Economic Development Depts. — environmental remediation and development (O 1602-07)	1800
Shepherd, Jay — condolence (R 1638-07)	1800
Tremont Walk for Chernobyl, 2007 — permit — Children of Chernobyl Relief and Development Fund (O 1572-07)	1821
W. 7th St. — intent to vacate (R 1269-07)	1811

Ward 14

Clark Ave., 3726 — objection — liquor permit (R 1623-07) 1809

Ward 15

Broadview Rd., 2011 — objection — withdraw — liquor permit (R 1625-07) 1810
 Eglindale Court S.W. — vacate (O 1605-07) 1802
 Memphis Ave., 5200 — objection — withdraw — liquor permit (R 1626-07) 1810

Ward 17

Calabrese, Anthony O. — commemoration (R 1652-07) 1800
 Capitol Theatre (1400 W. 65th St.) — renovation — development assistance —
 Detroit Shoreway Community Development Organization, (O 1420-07) 1811
 Castele, Dr. Ted & Mrs. Jean — congratulation (R 1646-07) 1800
 Colage, Gino — congratulation (R 1649-07) 1800
 Dilorio, Antonio — congratulation (R 1647-07) 1800
 Lucarelli, Jay — congratulation (R 1648-07) 1800
 Zitiello, Rose — congratulation (R 1650-07) 1800

Ward 19

Lorain Ave., 11816-11824 — Friends of the Historic Variety Theatre, Inc. —
 maintenance — amend Ord. 747-07 (O 1570-07) 1811

Ward 20

Justin Ave., S.W. — intent to vacate (R 1270-07) 1811
 Lorain Ave., 13601 — transfer — liquor permit (F 1633-07) 1799
 Myers University — congratulation (R 1645-07) 1800
 O’Cuiv, Eamon — welcome (R 1651-07) 1800
 Ulrich, Jack — condolence (R 1640-07) 1800
 W. 130th St., 4611 — transfer — liquor permit (F 1631-07) 1799

Ward 21

Lorain Ave., 17007 — transfer — liquor permit (F 1634-07) 1799
 O’Cuiv, Eamon — welcome (R 1651-07) 1800

Waste Collection and Disposal Division

Debris disposal services — construction and demolition (O 1604-07) 1801
 Tires (transfer and disposal) (O 1603-07) 1800

Water Division

Taylor, Mary, Ohio State Auditor — contracts — assessment — 2007 financial statement —
 two statements of Auditing Standards — Divisions of Water and Taxation — accounting
 and auditing training (O 1398-07) 1820

Welcome

O’Cuiv, Eamon (R 1651-07) 1800