

The City Record

Official Publication of the Council of the City of Cleveland



May the Sixteenth, 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
Valerie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
Tracy Y. Martin, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary
Debra Linn Talley, Director, Office of Equal Opportunity

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

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit

DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Julius Ciaccia, Director, 1201 Lakeside Avenue

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

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

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

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

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director
Cleveland Convention Center, Clubroom A, 1220 East 6th Street

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



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Vol. 94

WEDNESDAY, MAY 16, 2007

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CITY COUNCIL

MONDAY, MAY 14, 2007

The City Record
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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Josaphat Arts Hall
Covivium 33 Gallery
1433 East 33rd Street
Ward 13

Cleveland, Ohio
Monday, May 14, 2007

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

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

Also present were Mayor Frank G. Jackson; Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valarie J. McCall, Chief of Government Affairs; Tracy Y. Martin, Chief of Education; Maureen Harper, Chief of Communications; Andrea V. Taylor, Press Secretary; Debra Linn Talley, Director of Equal Opportunity and Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Reilly, Griffin, Brown and Teresa Stevenson, Special Assistant to the Mayor for Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Rev. Felix Muniz of the Church of the Nazarene, 2226 West 89th Street, Cleveland, Ohio 44102, located in Ward 18. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 799-07.

From the Office of Equal Opportunity — MBE/FBE Deletions from OEO's Database, First Quarter, 2007. Received.

File No. 800-07.

From The Illuminating Company — Intent to file for an increase in electric distribution rates. Received.

File No. 801-07.

From the Department of Parks, Recreation and Properties — Acceptance of \$1,000 grant from General Electric Consumer & Industrial Unit. Received.

File No. 802-07.

From Omni Media, U.S.A. — report information of Omni Media Cleveland's Street Furniture program — 2006 fiscal calendar year. Received.

File No. 803-07.

From the Office of Equal Opportunity — Bi-Monthly OEO Status Report — Construction Projects. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 804-07.

Re: New Application — 8446038 — Spremulli Brother's Auto SVC, Inc., 15002 Puritas Avenue. (Ward 20). Received.

File No. 805-07.

Re: Transfer of Ownership Application — 92623650005 — Yellow Store, LLC d.b.a. The Yellow Store, 625 East 140th Street, first floor. (Ward 10). Received.

File No. 806-07.

Re: Transfer of Ownership Application — 6547777 — On Plane, Inc. d.b.a. Le Petite Triangle Cafe, 1881 Fulton Avenue, first floor and basement. (Ward 13). Received.

File No. 807-07.

Re: Transfer of Ownership Application — 2598338 — Ezzat, Inc. d.b.a. Unity Food Mart, 10221 Union Avenue, first floor. (Ward 3). Received.

File No. 808-07.

Re: Transfer of Ownership Application — 25216390005 — Melissa England d.b.a. Whiskey River Too, 3578 Independence Road. (Ward 13). Received.

File No. 809-07.

Re: Transfer of Ownership Application — 91153330005 — 2700 West 25th Street, Inc. d.b.a. Sun Valley Beverage, 2700 West 25th Street, Unit B & C. (Ward 14). Received.

File No. 810-07.

Re: Stock Transfer Application — 0296801— Ashlex, Inc. d.b.a. Union Deli, 12408 Union Avenue, Unit A. (Ward 3). Received.

PLAT**File No. 811-07.**

West 30th Street Dedication Plat. (Ward 13). Received.

Approved by Committees on Public Service and City Planning.

Without objection, plat approved. Yeas 20. Nays 0.

Council Member Reed left the meeting.

CONDOLENCE RESOLUTIONS

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

Res. No. 813-07 — Jamarion Hall
Res. No. 814-07 — Aleja DeJesus

CONGRATULATION RESOLUTIONS

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

Res. No. 815-07 — Izer "Ted" Jernigan

RECOGNITION RESOLUTIONS

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

Res. No. 816-07 — 32nd Anniversary commemorating Vietnamese freedom

Res. No. 817-07 — Asian/Pacific American Federation of Greater Cleveland

Res. No. 818-07 — David E. Talbert

APPRECIATION RESOLUTIONS

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

Res. No. 812-07 — Melody Mayberry-Stewart, Ph.D.

Res. No. 819-07 — Thomas B. Schorgl

Res. No. 820-07 — Marina Marquez-Zenkov

Council Member Zone left the meeting.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 773-07.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the criminal and civil filing system, including materials necessary to file and retrieve cases, for the Department of Finance, on behalf of the Cleveland Municipal Court, for a period of one year, with a one-year option to renew.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Courts, 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, with an option to renew for an additional one-year term, exercisable by the Director of Finance, of the necessary items of criminal and civil filing system, including folders, labels, tabs, envelopes, shelving, and other materials necessary to file and retrieve cases, 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 Department of Finance, on behalf of the Cleveland Municipal Court. 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 one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 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 143824)

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

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

Ord. No. 774-07.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with CASNET for professional services necessary to support and maintain OnBase software.

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 enter into one or more contracts with CASNET for professional services necessary to support and maintain OnBase software for a period of one or two years on the basis of its proposal dated March 8, 2007, in the total sum of \$187,200, for the Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 52 SF 001, Request No. 177277. The Director of Public Utilities is authorized to enter into

one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the proposals received for both terms.

Section 2. That the Director of Public Utilities is further authorized to enter into any third-party software license agreements necessary to effect the purposes of this ordinance.

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

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

Ord. No. 775-07.

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

An emergency ordinance authorizing the Director of Public Utilities to employ consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary for designing, assessing and implementing a meter automation, replacement, and water loss control program; authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary materials, equipment, supplies, and services necessary to implement the program; determining the method of making the public improvement of installing new equipment, including removing existing equipment if necessary; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement, 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 employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland for installing, designing, assessing, administering, training, implementing, testing, integrating, migrating, maintaining, and for technical support and other related issues necessary to implement a meter automation, replacement, and water loss control program, to acquire software licenses, if necessary, and other professional services necessary to implement the program, for the Department of Public Utilities.

The selection of the consultants, computer software developers, or vendors for the licenses or services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined

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

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of hardware, software, computer supplies, and other necessary materials, equipment, supplies, and services which are not covered under the professional services contract or contracts authorized in this ordinance, necessary to implement the meter automation and replacement program, including maintenance on the above for a period of two years, with one option to renew for an additional one-year period, cancellable by the Director of Public Utilities on thirty days written notice, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

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

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

Section 5. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing meter reading equipment and water loss detection equipment, including removal of existing equipment, if necessary, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder

or bidders after competitive bidding on a unit basis for the improvement.

Section 6. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 7. That the Director of Public Utilities is authorized to enter into any third party license agreements necessary to effect the purposes of this ordinance.

Section 8. That the cost of the contract or contracts authorized in this ordinance shall be paid from Fund No. 52 SF 001, Request No. 173608.

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

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

Ord. No. 776-07.
By Council Members Cummins, Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications of Contract No. 64708 for improvements to Valley Road with Perk Company, Inc., for the Department of Public Service.

Whereas, Ordinance No. 2190-05, passed February 13, 2006, authorized the Director of Public Service to enter into a subsidiary agreement to City Contract No. 64708 with Perk Company, Inc. for improvements to Valley Road; and

Whereas, an additional subsidiary agreement is now necessary in order to complete Contract No. 64708; and

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

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

Section 1. That the Director of Public Service is authorized to make the following alterations and modifications in Contract No. 64708 with Perk Company, Inc. for improvements to Valley Road for the Department of Public Service.

Original Contract Amount: \$2,529,598.45
First Subsidiary Additions +131,607.50
(Ord. No. 2190-05)
Revised Contract Amount \$2,661,598.45

Second Subsidiary Additions:

12-in CL 52 Water Main (13) \$ 1,888.25
12-in Gate Valve (1) 1,825.00
1-in Water Service (6) +21,840.00
TOTAL SECOND SUBSIDIARY ADDITIONS \$ 25,553.25
Revised Contract Amount: \$2,661,598.45
Total Second Subsidiary Additions +25,553.25

TOTAL REVISED
CONTRACT AMOUNT \$2,687,151.70

which alteration has been recommended in writing by the Director of Public Service, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed on in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract amount, as revised under Ordinance No. 2190-05, passed February 13, 2006, in the sum of \$25,553.25, to be paid from Fund No. 52 SF 001. (RL 173247)

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

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

Ord. No. 777-07.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more surveyors and appraisers or one or more firms of surveyors and appraisers to provide professional services necessary to survey and appraise real and/or personal property, rights of way and/or easements and other interests in real property, for a 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 surveyors or one or more firms of surveyors 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 survey real and/or personal property, rights of way and/or easements as required by the various divisions of the Department of Port Control, as directed by the Director of Port Control, on an as-needed basis, for a period up to two years, with two options to renew for additional one-year periods, exercisable by the Director of Port Control.

Section 2. That the Director of Port Control is authorized to employ by contract or contracts one or more real estate appraisers or one or more firms of real estate appraisers 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 appraise real and/or personal property, rights of way and/or easements as required by the various divisions of the Department of Port Control, as directed by the Director of Port Control, on an as-needed basis, for a period up to two years, with two options to renew for additional one-year periods, exercisable by the Director of Port Control.

Section 3. The selection of the surveyors and real estate appraisers

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 surveyors and real estate appraisers 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 4. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, and 60 SF 141, Request No. 158694.

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 778-07.

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 Alcohol and Drug Addiction Services Board of Cuyahoga County for the Mental Health and Substance Abuse Prevention Program; to enter into one or more contracts with various agencies; to enter into one or more requirement contracts necessary to implement the grant; and to enter into an agreement with the Board for the City to receive payments from the Medicaid program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$353,844 and any other funds that may become available during the grant term, from the Alcohol and Drug Addiction Services Board of Cuyahoga County to conduct the Mental Health and Substance Abuse Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 778-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various agencies to implement the program as described in the file.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the term of the grant of the necessary items of materials, equipment, supplies, and services necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contracts authorized by this ordinance 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.

Section 8. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Health may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 9. That the Director of Public Health is authorized to enter into an agreement with the Alcohol and Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

Section 10. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds and Medicaid payments accepted under this ordinance.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 779-07.

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

An emergency ordinance authorizing the Director of Public Health to authorize a month-to-month interim extension of Contract No. 62484 with Mural Properties for a period not to exceed one year; and authorizing the director to lease space and associated parking lots for office and administrative space for the Department of Public Health for a period not to exceed one year, with two options to renew for additional one-year periods.

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

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

Section 1. That the Director of Public Health is authorized to extend the term of Contract No. 62484 with Mural Properties, on a month-to-month basis ("Month-to-Month Extension") for a period not to exceed one year, for office space and associated parking lot, for office and administrative space for the Department of Public Health.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease office space and associated parking lots ("Lease") for office and administrative space for the Department of Public Health.

Section 3. That the term of the Lease shall not exceed one year, with two options to renew for additional one-year periods, exercisable by the Director of Public Health.

Section 4. That the rent for the Lease shall be fair market value, exclusive of utilities, as determined by the Board of Control.

Section 5. That the Lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties to be consistent with the public purpose or purposes of providing office and administrative space for the Department of Public Health.

Section 6. That the Lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 7. That the Lease shall be prepared by the Director of Law.

Section 8. That the Director of Public Health, 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 9. That the costs of the Lease and the Month-to-Month Extension shall be paid from Fund Nos. 01-500101-636000, 01-500501-636000, 01-500605-636000, 10 SF 804, 19 SF 427, 19 SF 480, and from the fund or funds to which are credited grant proceeds from the Mom's First Grant, the Air Quality Grant, and the HUD Lead Demo Grant accepted in 2007 and 2008 for this purpose, Request No. 157150.

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

shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 780-07.

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 Ohio Office of Criminal Justice Services for the Firearms Suppression Initiative Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$44,814, and any other funds that may become available during the grant term, from the Ohio Office of Criminal Justice Services to conduct the Firearms Suppression Initiative Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the proposal for the grant contained in the file described below.

Section 2. That the proposal for the grant, File No. 280-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

Ord. No. 781-07.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts for Commercial Revitalization and rebate and/or loan agreements with Storefront Renovation Program applicants, and to enter into agreements for eligible costs to community development corporations for implementation of the Storefront Renovation and Commercial Revitalization Programs.

Whereas, the City has created a Storefront Renovation Program to encourage exterior rehabilitation of buildings in targeted areas in the City of Cleveland; and

Whereas, the City is creating a Commercial Revitalization Program

to further encourage rehabilitation, increase the availability of goods and services for low and moderate income residents, and create employment in the City; and

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

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

Section 1. That the Director of Community Development is authorized to enter into rebate or loan agreements with Storefront Renovation Program applicants, and contracts for eligible administrative costs, consulting, or professional services, and expenses to community development corporations for implementation of the Commercial Revitalization and Storefront Renovation Programs.

Section 2. That the Director of Community Development is authorized to enter into contracts with Commercial Revitalization Program applicants.

Section 3. That the Director of Community Development is authorized to accept program income monies in repayment from community development corporations under the Storefront Renovation Program and to utilize this program income, other Community Development Block Grant program income and Kiosk program income in a revolving fund for additional Commercial Revitalization and Storefront Renovation Program expenditures, and such program income is appropriated for that purpose.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans, costs, and fees under the City's Storefront Renovation Program and Commercial Revitalization Program.

Section 5. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City for Commercial Revitalization or Storefront Renovation.

Section 6. That the Director of Community Development is authorized to collect from persons or entities with whom the City is entering into loan agreements or forbearance agreements an amount equal to any amount spent for services related to such agreements, such as title searches, credit bureau reports and document filing fees. Such fees shall be deposited into Fund No. 14.

Section 7. That the total of the contracts and rebate agreements authorized may not exceed \$1,000,000 and will be paid from Fund No. 14 SF 033, Request No. 178601.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from the after the earliest period allowed by law.

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

Ord. No. 782-07.

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

An emergency ordinance to appropriate property for acquisition and redevelopment and/or rehabilitation of the blighted premises located at 1570 East 105th Street, Cleveland, Ohio.

Whereas, by Resolution No. 61-07, adopted March 26, 2007, this Council declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of the acquisition and redevelopment and/or rehabilitation of the blighted premises located at 1570 East 105th Street; and

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

Whereas, the acquisition and redevelopment and/or rehabilitation was determined to be a satisfactory method for eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 1570 East 105th 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 for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 1570 East 105th Street through the acquisition and redevelopment and/or rehabilitation, the following described fee simple interests are appropriated:

P. P. No. 107-25-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Original One Hundred Acre Lot No. 393, and bounded and described as follows:

Beginning on the Westerly line of East 105th Street (formerly Doan Street), 60 feet wide, at the intersection of said Westerly line with the Southerly line of land conveyed to Samuel N. Pentecost by deed dated August 13, 1898, and recorded in Volume 700, Page 127 of Cuyahoga County Records; thence Northerly along the Westerly line of East 105th Street, 50 feet to a point; thence Westerly and parallel to the Southerly line of land so conveyed to Samuel N. Pentecost, 150 feet; thence Southerly and parallel to the Westerly line of East 105th Street, 50 feet to the Southwesterly corner of land so conveyed to Samuel N. Pentecost; thence Easterly along the Southerly line of land so conveyed to Samuel N. Pentecost, 150 feet to the place of beginning, and being further known as Sublot No. 3 in Caroline D. Pentecost's Proposed Subdivision of part of Original One Hundred Acre Lot No. 393, be the same more or less, but subject to all legal highways.

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

Section 3. That this ordinance is 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, City Planning, Finance.

Ord. No. 783-07.

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

An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into contracts with borrowers under the City's SBA Supplemental Equity Program and the Small Business Low Equity Pilot Program; and to enter into contract with WECO Fund, Inc. to provide technical and financial guidance to small businesses located in Wards 1 and 3.

Whereas, the City of Cleveland wishes to encourage the creation and retention of jobs in the City; and

Whereas, in order to assist in accomplishing this goal the City is creating two new loan programs to assist small businesses in the City; and

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

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

Section 1. That the Directors of Economic Development and Community Development are authorized to enter into contract with individuals and/or businesses under the City's SBA Supplemental Equity Program.

Section 2. That the Directors of Economic Development and Community Development are authorized to enter into contract with individuals and/or businesses under the City's Small Business Low Equity Pilot Program.

Section 3. That the Directors of Economic Development and Community Development are authorized to enter into contract with WECO Fund, Inc. to assist the City in implementing and administering the SMA Supplemental Equity Program and the Small Business Low Equity Pilot Program.

Section 4. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 783-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 5. That the costs of the contract or contracts shall not exceed \$415,000, and shall be paid from Fund No. 14 SF 032, which funds are appropriated for this purpose, Request No. 178612.

Section 6. That the Directors of Economic Development and Community Development are authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 7. That the Directors of Economic Development and Community Development are authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 14.

Section 8. That the Directors of Economic Development and Community Development are authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 14.

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

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

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

Ord. No. 784-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of trees, and labor and materials needed to plant trees, to remove trees, tree stumps and tree waste material, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period of the necessary items of trees, and labor and materials needed to plant trees, to remove trees, tree stumps and tree waste material, 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 Park Maintenance and Properties, Department of Parks, Recreation and Properties. 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 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 169623)

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, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 793-07.

By Council Member Britt.

An emergency ordinance designating The Tudor Arms, also known as The Cleveland Club, as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate The Tudor Arms, also known as The Cleveland Club, as a landmark; and

Whereas, the owner of The Tudor Arms, also known as The Cleveland Club, has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of The Tudor Arms, also known as The Cleveland Club, as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That The Tudor Arms, also known as The Cleveland Club, whose street address in the City of Cleveland is 10660 Carnegie Avenue, S.E., also known as Cuyahoga County Auditor's Permanent Parcel Numbers 119-25-001, 119-25-002, 119-25-032, and 119-25-033, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 794-07.
By Council Member Santiago.
An emergency ordinance designating The United Office Building as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate The United Office Building as a landmark; and

Whereas, the owner of The United Office Building has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of The United Office Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

Section 1. That The United Office Building, whose street address in the City of Cleveland is 2012 West 25th Street, S. W., also known as Cuyahoga County Auditor's Permanent Parcel Number 007-10-013, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 795-07.
By Council Member Britt.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 77th, East 79th, Quincy Avenue to Fairfax Renaissance Development Corporation.

Whereas, the City of Cleveland adopted and implemented 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. 118-34-032 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 118-34-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 5 and 35 in John Lussenden's Subdivision of part of Original 100 Acre Lot No. 336 as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 57 of Cuyahoga County Records and bounded and described as follows:

Being on the Westerly line of East 79th Street (formerly East Madison) 66 feet North of the Southeast corner of said Sublot No. 5, measuring along the Westerly line of East 79th Street; thence Northerly along the Westerly line of East 79th Street 10 feet 6 inches to the Northeast corner of said Sublot No. 5; thence Westerly along the Northerly line of said Sublots Nos. 5 and 35 about 218 feet 11 inches to the Northeast corner of premises conveyed to Joseph B. Lewis and Emma Lewis by Deed recorded in Volume 796, Page 352, of Cuyahoga County Records; thence Southerly parallel with the Westerly line of East 79th Street, 76 feet 6 inches to the Southerly line of said Sublot No. 35; thence Easterly along the Southerly line of said Sublots Nos. 5 and 35, about 87 feet to a point; 132 feet Westerly of the Westerly line of East 79th Street measured along the Southerly line of said Sublot No. 5; thence Northerly parallel with the Westerly line of East 79th Street, 66 feet; thence Easterly parallel with the Southerly line of said Sublot No. 5, 132 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 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. 118-34-033 as more fully described below to Fairfax Renaissance Development Corporation.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 5 in John Lussenden's Allotment of part of Original 100 Acre Lot No. 336 as shown by the recorded plat in Volume 3 of Maps, Page 57 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly side of East 79th Street (formerly Madison Avenue) 32 feet North of the Southeast corner of said Sublot No. 5 measuring along the Westerly line of East 79th Street; thence Westerly parallel with the Southerly line of said Sublot No. 5, 132 feet; thence

Northerly parallel with the Westerly line of East 79th Street, 34 feet; thence Easterly parallel with the first described line 132 feet to the Westerly line of East 79th Street; thence Southerly along the Westerly line of East 79th Street, 34 feet to the place of beginning and being a parcel of land having a frontage of 34 feet on the Westerly side of East 79th Street, and extending back of equal width 132 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions and easements contained in deeds recorded in Volume 138 age 90, and Volume 1368, Page 575 of Cuyahoga County Records.

Also subject to zoning ordinances.

Section 5. 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. 118-34-034 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 5 in John Lussenden's Subdivision of part of Original One Hundred Acre No. 336, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 57 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly side of East 79th Street (formerly East Madison Avenue) at the Southeast corner of said Sublot No. 5; thence Westerly along the Southerly line of said Sublot No. 5, 132 feet; thence Northerly parallel with the Westerly line of East 79th Street; 32 feet; thence Easterly, parallel with the first described line 132 feet to the Westerly line of East 79th Street; thence Southerly along the Westerly line of East 79th Street 32 feet to the place of beginning, and being a parcel of land having a frontage of 32 feet on the Westerly side of East 79th Street and extending back between parallel lines 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. 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. 118-34-037 as more fully described, to Fairfax Renaissance Development Corporation.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 in John Lussenden's Subdivision of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Vol. 3 of Maps, Page 57 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Northerly line of Quincy Avenue S.E., at the southwesterly corner or said Sublot No. 3;

thence Easterly along the Northerly line of Quincy Avenue S.E. 49-1/2 feet; thence Northerly parallel with the Westerly line of Sublot No. 4, 127 feet 9 inches; thence Westerly parallel with the Northerly line of Quincy Avenue, S.E. 49 feet 4.6 inches to the Westerly line of said Sublot No. 3; thence Southerly along the Westerly line of said Sublot No. 3, 127 feet 9 inches to the place of beginning, be the same more or less.

Section 9. 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. 118-34-038 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 2 in John Lussenden's Allotment of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Volume 3 of Maps, Page 57 of Cuyahoga County Records and being 50 feet front on the Northerly side of Quincy Avenue S.E., (formerly Wade Street), 187 feet 9 inches deep on the Easterly line, 187 feet 9 inches deep on the Westerly line and 49 feet 10 inches in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. 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. 118-34-039 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-039

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being Sublot No.1 in John Lussenden's Allotment of part of Original 100 Acre Lot No.336, as shown by the recorded plat in Volume 3 of Maps, Page 57 of Cuyahoga County Records. Said Sublot No.3 has a frontage of 50 feet on the Northerly side of Quincy Avenue, S.E., and extends back 187-9/12 feet on the Easterly line, 187-9/12 feet on the Westerly line, and has a rear line of 49-10/12 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

Section 13. 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. 118-34-132 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-132

Situated in the City of Cleveland, in the County of Cuyahoga, and State of Ohio, indicated on the Coun-

ty Auditor's Records as /Permanent Number 118-34-132 and known as being part of Sublot No. 36 in John Lussenden's Subdivision of part of Original 100 Acre Lot No. 336, as shown by the recorded plat in Volume 3 of Maps, 1Page 57 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 77th Street (50 feet wide) at a point distant Northerly (measured along said Easterly line), 115-75/100 feet from its intersection with the Northerly line of Quincy Avenue, (60 feet wide); thence Easterly parallel with the Northerly line of Quincy Avenue, 70 feet; thence Northerly parallel with the Easterly line of East 77th Street, 12 feet; thence Westerly parallel with the Northerly line of Quincy Avenue, 70 feet to the Easterly line of East 77th Street; thence Southerly along the Easterly line of East 77th Street, 12 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 15. 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. 118-34-133 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parcel of land bounded and described as follows:

Beginning at a point on the Easterly line of East 77th Street (formerly Lussenden Street) distant 157-9/12 feet Northerly from the center line of Quincy Avenue; thence Easterly and at right angles to said Easterly line of East 77th Street (formerly Lussenden Street) 100 feet to the Easterly line of lands formerly owned by Martha H. Willis; thence Northerly along the Easterly line 30 feet; thence Westerly and parallel with the Southerly line of this said parcel of land 100 feet to the Easterly line of East 77th Street (formerly Lussenden Street); thence Southerly along said street line 30 feet to the place of beginning, intending by this description to describe a parcel of land 30 feet wide and 100 feet in length and which is a part of Sublot No. 36 in John Lussenden's Subdivision of part of Original Lot No. 336 in said City as recorded in Volume 3, Page 57 of Maps of Cuyahoga County Records, be the same more less, but subject to all legal highways.

Section 17. 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. 118-34-134 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-134

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Sublot No. 36, of John Lussenden's

Allotment of a part of Original 100 Acre Lot No. 336, bounded and described as follows:

Beginning at a point in the Easterly line of East 77th Street (formerly Lussenden Avenue) 217 0/12 feet Northerly from the center of Quincy Street; thence Easterly along the Northerly line of said Lot No. 36, 100 feet to the Northeasterly corner of said lot, thence Southerly along the Easterly line of said lot 30 feet to land conveyed to Gottlieb Meyer; thence Westerly along the Northerly line of said Gottlieb Meyer's lands 100 feet to the Easterly line of East 77th Street (formerly Lussenden Avenue) thence Northerly along said Easterly line of East 77th Street (formerly Lussenden Avenue) 30 feet to the place of beginning.

Subject to Zoning Ordinances, if any.

Section 19. 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. 118-34-135 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-135

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 35 in John Lussenden's Allotment of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat of said Allotment in Volume 2 of Maps, Page 57 of Cuyahoga County Records. Said part of Sublot No. 35 is bounded and described as follows:

Beginning in the Easterly line of East 77th Street (formerly Lussenden Avenue) at the Southwesterly corner of said Sublot No. 35; thence Northerly along the Easterly line of East 77th Street, 25 feet 6 inches; thence Easterly parallel with the Southerly line of said Sublot No. 25, 120 feet; thence Southerly parallel with the Easterly line of East 77th Street, 26 feet 6 inches to the Southerly line of said Sublot No. 35; thence Westerly along said Southerly line, 120 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. 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 22. 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 23. 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 24. 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.

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. 787-07.

By Council Member Britt.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Willie Jerido to engage in peddling at 10500 Quincy Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of Willie Jerido to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow Willie Jerido to peddle in Ward 6; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow Willie Jerido to engage in mobile peddling in the public rights of way of Ward 6, at 10500 Quincy Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 788-07.

By Council Member Cleveland.

An emergency ordinance authorizing and directing the Director of

Public Service to issue a permit to Burten, Bell, Carr Development to stretch banners at the northwest corner of Quincy and Unwin & the southwest corner of Quincy and Unwin, for the period from May 14, 2007 to June 13, 2007, inclusive, publicizing the 2nd Annual Ward 5 Family Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to install, maintain and remove banners at the northwest corner of Quincy and Unwin & the southwest corner of Quincy and Unwin for the period from May 14, 2007 to June 13, 2007, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 789-07.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Olive Missionary Baptist Church to stretch banners along Kinsman Road and along East 126th Street, for the period from July 1, 2007 to July 30, 2007, inclusive, publicizing the church's 100th Year Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Mt. Olive Missionary Baptist Church to install, maintain and remove banners along Kinsman Road and along East 126th Street, for the period from July 1, 2007 to July 30, 2007, inclusive. Said

banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 790-07.

By Council Member Reed.

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

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

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

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 791-07.

By Council Member Zone.

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

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to The West Side Ecumenical Ministry to install, maintain and remove a banner using utility poles (by separate permission), inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 797-07.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from June 4, 2007 to July 3, 2007, inclusive, publicizing the Church Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is

hereby authorized and directed to issue a permit to the Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit and 7775 Detroit Avenue for the period from June 4, 2007 to July 3, 2007, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 798-07.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Power Ministries Elim Church to stretch a banner at West 65 & Clark Avenue, for the period from June 11, 2007 to July 2, 2007, inclusive, publicizing the Multi Cultural Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Power Ministries Elim Church to install, maintain and remove a banner at West 65th & Clark for the period from June 11, 2007 to July 2, 2007, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 785-07.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of D5 and D6 Liquor Permit at 1740 East 17th Street, 1st floor and basement and repealing Resolution No. 381-07, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 1740 East 17th Street, LLC, DBA Moe's Bar, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent No. 6548846, by Resolution No. 381-07 adopted by the Council on March 5, 2007; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to 1740 East 17th Street, LLC, DBA Moe's Bar, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 6548846, be and the same is hereby withdrawn and Resolution No. 381-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 786-07.

By Council Member Johnson.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 2975 Woodhill Road and repealing Resolution No. 84-07, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to Lamater, Inc., DBA Woodhill Deli, 2975 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 4997986 by Resolution No. 84-07 adopted by the Council on January 22, 2007; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C1 Liquor Permit to Lamater, Inc., DBA Woodhill Deli, 2975 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 4997986, be and the same is hereby withdrawn and Resolution No. 84-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit 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 passage.

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

Res. No. 792-07.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Res. No. 796-07.

By Council Member Zone, Sweeney, Turner, Polensek, Cummins, Cleveland, Conwell, Santiago, White, Westbrook, Brady, Cimperman, Reed and Kelley.

An emergency resolution supporting Senate Bill 128, introduced by Senator Dale Miller, to create an Ohio Climate Commission to study the impact of climate change on Ohio and recommend actions, and create a permanent Office of Climate Change within state government.

Whereas, Senator Dale Miller, D-23 of Cleveland, testified on April 25, 2007 before the Senate Committee on the Environment and Natural Resources on how passage of Senate Bill 128 would help Ohio know how global climate change will impact our state and how we can contribute to solving the problem; and

Whereas, Miller views climate change not primarily as an environment problem, but one that profoundly impacts our economy and agriculture, our culture, and almost every other aspect of our way of life; and

Whereas, Miller calls on business and industry, energy producers, agriculture, colleges and universities, and government to play a larger role than just the environmental community in order to solve the problems of global climate change in Ohio; and

Whereas, the Ohio Climate Commission would be an 11-member board consisting of the directors of Environmental Protection, Natural Resources, and Development, four members of the Ohio General Assembly, a representative of a statewide environmental organization, a representative of Ohio's energy industries, and experts in global climate change; and

Whereas, prior to making recommendations for Ohio to address the problems and opportunities of climate change, the commission would review the existing literature on the subject and hold at least four public hearings in different parts of the state to gather information specific to Ohio; and

Whereas, the commission would be empowered to work in cooperation with agencies in other states or the federal government, and would issue a preliminary report by June 30, 2008, and a final report by December 31, 2008; and

Whereas, proposed House Bill 128, if passed, will benefit the City of Cleveland by providing information on the impact of climate change on our region and recommending solutions to its challenges in our community; 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 Senate Bill 128, introduced by Senator Dale Miller, to create an Ohio Climate Commission to study the impact of climate change on Ohio and recommend actions, and create a permanent Office of Climate Change within state government.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Senator Dale Miller, D-23 of Cleveland, the Senate Committee on the Environment and Natural Resources, and Mayor Frank Jackson.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 130-07.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with the Cleveland National Airshow, Inc. for the use of certain portions of the airfield and facilities at Cleveland Burke Lakefront Airport to conduct an air show and related events, for a period of five years, with five one-year options to renew.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In Section 1, at the end, add the following: **"The exercise of the options to renew shall require additional legislative authority."**

Amendments agreed to.

The rules were suspended. Yeas

18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 409-07.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Murtis H. Taylor Multi-Service Center for the Weed and Seed - Mt. Pleasant Site Program; and authorizing a contract with Murtis H. Taylor Multi-Service Center to act as the City's fiscal agent.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 439-07.

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 U.S. Department of Justice, Bureau of Justice Assistance for the 2007 Gang Resistance Education and Training Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant; and authorizing one or more contracts with the Police Athletic League to implement the grant.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 482-07.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Pitney Bowes for the purchase of maintenance on various mail sorters, for the Division of Water, Department of Public Utilities, for a period of two years.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 532-07.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with ESRI for professional services necessary to perform maintenance on Citywide GIS software.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 572-07.

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

An emergency ordinance authorizing the Director of Public Utilities to execute a Power Schedule, amending and restating the Power Schedule, dated as of January 1, 2006, between American Municipal Power-Ohio, Inc. ("AMP-Ohio") and the City of Cleveland, and relating to the purchase by the City from AMP-Ohio of power and associated energy available to AMP-Ohio pursuant to a long term purchase by AMP-Ohio from J. Aron & Company ("J. Aron").

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 577-07.

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 MCPc Computer Products & Consulting for maintenance on Cisco SMARTnet equipment, for the Department of Public Safety, for a period of one year, with one additional one-year option to renew.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 578-07.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Burten, Bell, Carr Development, Inc. for the Central Shoreway Weed and Seed Program.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 579-07.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Bridgeway, Inc. for the Detroit Shoreway Weed and Seed Program.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 581-07.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair, maintain, and service MSA breathing apparatus, including installation if necessary, for the Division of Fire, Department of Public Safety.

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

1. In the title, line 3, and in Section 1, line 3, after "of" in both places insert "MSA breathing apparatus and"; and in the title, line 4, and in Section 1, line 3, between "service" and "MSA" insert "existing" in both places.

2. In Section 1, line 1, after "Director of" insert "Public Safety is authorized to make one or more written requirement contracts under".

3. Insert new Section 3 to read as follows:

"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 Safety 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."

4. Renumber existing Section 3 to new "Section 4".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 582-07.

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

An emergency ordinance to amend the title of Ordinance No. 1722-06, passed November 27, 2006; relating to a grant from the United States Department of Justice COPS Office, for the COPS Interoperable Communications Technology Program and authorizing contracts to implement the grant; to supplement the ordinance by adding new Section 8; and to renumber existing Sections 8, 9, and 10 to new Sections 9, 10, and 11.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 583-07.

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

An emergency ordinance to extend the retirement dates of various police and fire personnel, for a one year period for the Divisions of Police and Fire, Department of Public Safety.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 635-07.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementa-

tion, and management of the 2007 Cleveland Youth Summer Employment Program.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 698-07.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cleveland Housing Network to provide various customer services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

MOTION

By Council Member Keane, seconded by Council Member Brady, and unanimously carried that the absence of Council Member Patricia J. Britt be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet at 7:00 p.m. on Monday, May 21, 2007 in the Council Chambers.

City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 9, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 9, 2007, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 219-07.

By Director Smith.

Whereas, under the authority of Ordinance No. 229-82, passed by the Council of the City of Cleveland on

May 17, 1982, the City through its Director of Port Control, entered into City Contract No. 32713 with Aero Services International, Inc. for the lease of certain City-owned real property not needed for the public use of improving Cleveland Hopkins International Airport; and

Whereas, under the authority of Ordinance No. 229-82, passed by the Council of the City of Cleveland on May 17, 1982, and Board of Control Resolution No. 799-93, adopted September 15, 1993, the City approved the sale of all rights, title and interest in City Contract No. 32713 from Aero Services International, Inc. to Air Services of Cleveland, Inc.; and

Whereas, under the authority of Ordinance No. 229-82, passed by the Council of the City of Cleveland on May 17, 1982, and Board of Control Resolution No. 699-05, adopted December 14, 2005, the City consented to the assignment of City Contract No. 32713 from Air Services of Cleveland, Inc. to Mercury Air Services, LLC ("Mercury"); and

Whereas, by letter dated April 30, 2007 Mercury Air Services, LLC and Corporate Wings-Hopkins, LLC requested the City's consent to assign all of Mercury's interests and certain obligations under City Contract No. 32713 to Corporate Wings-Hopkins, LLC ("Corporate Wings"); and

Whereas, Corporate Wings proposes to undertake all of Mercury's interests and all of its obligations first occurring after the effective date of assignment under City Contract No. 32713, without waiving any of Mercury's obligations or the City's rights under the contract against Mercury prior to the effective date of assignment; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the request by Mercury Air Services, LLC and Corporate Wings-Hopkins, LLC by their April 30, 2007 letter, this Board consents to the assignment of Contract No. 32713 to Corporate Wings-Hopkins, LLC effective May 18, 2007.

Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary and appropriate to implement the consent authorized, provided that the terms of such assignment do not conflict with the terms and conditions of City Contract No. 32713.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 220-07.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Petroleum Traders Corporation for an estimated quantity of gasoline, items 1 (a, b), 3 (a, b), 4 (a, b) and 6 (a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on April 12, 2007, under the authority of Ordinance No. 879-06, passed by the Council of the City of Cleveland on June 12, 2006, which on the basis of the estimated quantity would amount to \$2,784,128.50 (0% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is

requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 161997

which shall be certified against the contract in the sum of \$250,000.00.

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

<u>Subcontractor</u>	<u>Percentage</u>
American Merchandising Services (MBE)	15.00%

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 221-07.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Great Lakes Petroleum Co. for an estimated quantity of gasoline, item 2 (a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on April 12, 2007, under the authority of Ordinance No. 879-06, passed by the Council of the City of Cleveland on June 12, 2006, which on the basis of the estimated quantity would amount to \$1,397,730.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 161998 which shall be certified against the contract in the sum of \$500,000.00.

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

<u>Subcontractor</u>	<u>Dollar Amount</u>
<u>Type of Work</u>	
Consumers Petroleum & Transport Services, LLC.	
Transport Loads	\$500,000.00

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.

Absent: None.

Resolution No. 222-07.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Liberty Ford Solon, Inc. for an estimated quantity of 4 x 4

SUV Hybrids (all items), for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on March 16, 2006, under the authority of Ordinance No. 887-06, passed by the Council of the City of Cleveland on August 9, 2006, which on the basis of the estimated quantity would amount to \$351,307.18 (Net - 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161988 which shall be certified against the contract in the sum of \$301,120.44.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 223-07.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Organic Way, Inc., d.b.a. The Tractor Place for an estimated quantity of various mower and cutting equipment parts and labor, items 24, 25, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on February 28, 2007, under the authority of Ordinance No. 501-06, passed by the Council of the City of Cleveland on May 1, 2006, which on the basis of the estimated quantity would amount to \$150,000.00 (2% Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 161992 which shall be certified against the contract in the sum of \$40,000.00.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 224-07.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Sill's Motor Sales, Co. for

an estimated quantity of various mower and cutting equipment parts and labor, items 10, 15, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on February 28, 2007, under the authority of Ordinance No. 501-06, passed by the Council of the City of Cleveland on May 1, 2006, which on the basis of the estimated quantity would amount to \$90,000.00 (1.5% Net 15 in year one and 2% Net 30 in year two), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 161991 which shall be certified against the contract in the sum of \$15,000.00.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 225-07.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Brooklyn Tractor and Mower, Inc. for an estimated quantity of various mower and cutting equipment parts and labor, items 2, 4, 5, 6, 7, 9, 11, 13, 14, 17, 19, 20, 23, 26 and 29, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on February 28, 2007, under the authority of Ordinance No. 501-06, passed by the Council of the City of Cleveland on May 1, 2006, which on the basis of the estimated quantity would amount to \$132,000.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 161990 which shall be certified against the contract in the sum of \$30,000.00.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 226-07.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of West Shore New Holland, Inc. for an estimated quantity of various mower and cutting equipment parts and labor, items 3, 27, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on February 28, 2007, under the authority of Ordinance No. 501-06, passed by the Council of the City of Cleveland on May 1, 2006, which on the basis of the estimated quantity would amount to \$22,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 161993 which shall be certified against the contract in the sum of \$3,000.00.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 227-07.

By Director Wasik.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of American International Corporation, 888 East 70th Street, Cleveland, Ohio 44103, for the public improvement of City Wards for Year 2007 Concrete Requirements Contract, Items 1 through 69, for the Division of Engineering and Construction, Department of Public Service, received on April 12, 2007, pursuant to Ordinance No. 254-07, passed March 26, 2007, upon a unit basis for the improvements to be performed as ordered during the period of one year from Award date at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$2,640,477.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is requested to enter into a requirement contract for the improvement, which contract shall provide for the initial performance of the following work:

Requisition No. 173259 which shall be certified against the contract in the sum of \$264,048.00.

The requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved that the employment of the following sub-contractors is approved:

Dan Ray Construction Co.
4500 Lee Road
Cleveland, Ohio 44128
(MBE) — \$397,000.00 — (15.04%)

Elite Contracting
4500 Lee Road, #127
Cleveland, Ohio 44128
(FBE) — \$97,500.00 — (5.02%)

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 228-07.

By Director Flask.
Whereas, under the authority of Ordinance No. 1086-04, passed by the Council of the City of Cleveland on August 11, 2004, and Resolution No. 221-05, adopted by this Board on May 4, 2005, the City, through its Director of Public Safety, entered into City Contract No. 64463 with MTG Management Consultant LLC to provide the professional services required for project management services related to the Public Safety Systems Automation Project; and

Whereas, the City requires additional project management services for the Public Safety Systems Automation Project; and

Whereas, MTG Management Consultants, LLC has proposed by its July 7, 2006 letter to perform the necessary additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Safety is authorized to enter into a first modification to City Contract No. 64463 with MTG Management Consultant LLC, on the basis of MTG Management Consultant LLC's July 7, 2006, proposal, for the above-mentioned additional project management services and increasing the fees for all services by \$50,000 to \$866,295.

Be it further resolved, that the Director of Public Safety is authorized to execute all documents and to do all things necessary to effect the first modification to Contract No. 64463 authorized above.

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Directors Smith, Thompson, Directors Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final

closing date slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 29, 2007

9:30 A.M.

Calendar No. 07-61: 3274 West 126th Street (Ward 19)

Letisa Berry, owner, appeals for an expansion of use to include a day care in an existing one-family dwelling, situated on a 50' x 120' parcel located in an A1 One-Family District on the west side of West 126th Street at 3274 West 126th Street; the proposed day care use required to be 30' from any adjoining premises in a residence district not used for a similar purpose and subject to approval from the Board of Zoning Appeals according to the provisions of Section 337.02(f)(3)(c) of the Codified Ordinances.

Calendar No. 07-62: 1449 West 58th Street (Ward 17)

Ohio Conference Association of the 7th Day Adventist Church, owner, and Pastor Oswaldo Magna, appeal to erect a two-story church building for assembly and educational purposes and a 31 car parking lot, proposed to be situated on a 193' x 135' corner parcel located in a Two-Family District on the northeast corner of West 58th Street and Franklin Avenue at 1449 West 58th Street; contrary to Sections 337.03(b) and 337.02(e)(1), the proposed building and uses are not at least 15 feet from an adjoining premises in a residence district; and contrary to Section 357.04, a front yard of 9 feet is provided along Franklin Avenue where 15 percent of the lot depth, or a front yard of 22 feet, is required; and Section 349.08 requires a 4 foot wide landscape strip, opaque fence or wall at least 3 feet high to screen lots containing 5 or more parking spaces from all adjoining lots in a residence district; and 31 parking spaces are provided, where the total of 256 occupants for both church and assembly require 1 space for each 6 occupants, or 43 parking spaces, according to the provisions of Section 349.04(e) of the Codified Ordinances.

Calendar No. 07-63: 2327 West 5th Street (Ward 13)

Raul Torres, owner, appeals to change an existing two dwelling unit structure to a single dwelling unit, proposed to be situated on an irregular shaped 20' x 67.5' parcel located in a B1 Multi-Family District on the east side of West 5th

Street at 2327 West 5th Street; contrary to Section 355.05A, a minimum lot area of 2,025 square feet is provided and 4,800 square feet is required; with no rear yard nor interior side yard provided, contrary to Section 357.08(a)(2)(b)(1) and Section 357.09(a)(2)(b)(2)A that require a 20' rear yard and a 10' aggregate of interior side yard; and no parking space is provided, contrary to Section 349.01 of the Codified Ordinances.

Calendar No. 07-64: 2337 West 5th Street (Ward 13)

Raul Torres, owner, appeals to change an existing two dwelling unit structure to a single dwelling unit, proposed to be situated on an irregular shaped 20' x 53.16' parcel located in a B1 Multi-Family District on the east side of West 5th Street at 2337 West 5th Street; contrary to Section 355.05A, a minimum lot area of approximately 1,300 square feet is provided and 4,800 square feet is required; with no rear yard nor interior side yard are provided, contrary to Section 357.08(a)(2)(b)(1) and Section 357.09(a)(2)(b)(2)A that require a 20' rear yard and a 10' aggregate of interior side yard; and no parking space is provided, contrary to Section 349.01 of the Codified Ordinances.

Calendar No. 07-65: 4219 West 15th Street (Ward 15)

Margaret Kerfonta, owner, appeals to construct a 14' x 24' wolmanized wooden ramp at the front of an existing one family dwelling, situated on a 40' x 120.67' parcel located in an A1 One-Family District on the east side of West 15th Street at 4219 West 15th Street; as proposed, the ramp projects more than 6 feet into the front yard and extends to within 9 feet of the street line and not 10 feet as required in Section 357.13e(b)(4) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 14, 2007

At the meeting of the Board of Zoning Appeals on Monday, May 14, 2007, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 07-50: 2025 Stokes Boulevard
University Circle, Incorporated, owner, and National City Bank, lessee, appealed to erect a 3,599 square foot, one-story bank building and a 14 car parking lot in a General Retail Business District.

Calendar No. 07-55: 9300 Quincy Avenue
The Cuyahoga county Board of County Commissioners appealed to construct a public juvenile court and detention center facility in a General Retail Business District; subject to condition.

Calendar No. 06-247: 7211 Quincy Avenue
Robert Rosen appealed for an expansion of a nonconforming scrap

metal broker use in a General Retail Business District; subject to conditions.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 07-54: 3455 Campbell Road postponed to June 11, 2007.

In Executive Session on May 14, 2007, the following appeals heard by the Board on May 7, 2007 were ratified by the Board.

The following appeals were **Approved:**

Calendar No. 07-45: 4315 West 140th Street

The Cleveland Municipal School District appealed to construct a two-story Kindergarten through Eighth Grade public school building in split zoning between One and Two-Family residential districts; subject to condition.

Calendar No. 07-46: 4550 West 150th Street

The Cleveland Municipal School District appealed to construct a two-story Kindergarten through Eighth Grade public school building in a Two-Family District; subject to condition.

Calendar No. 07-47: 7600 Wade Park Avenue

The Cleveland Municipal School District appealed to construct a two-story Kindergarten through Eighth Grade public school building in split zoning between General Retail and Multi-Family Districts; subject to condition.

Calendar No. 07-56: 3800 West 140th Street

The Cleveland Municipal School District appealed to construct a Kindergarten through Eighth Grade public school building in an One-Family District.

The following appeal was **Denied:**

Calendar No. 07-35: 1370 West 89th Street

Algart Realty appealed to construct a parking lot in a Multi-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, May 30, 2007 1:00 p.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 30, 2007, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 69-07.

By Council Member Lewis.

An ordinance changing the zoning of land on the north side of Chester Avenue between East 90th Street and East 97th Street from a Multi-Family Residential Use District to Local Retail Business, a General Retail Business District and a '3' Height District (Map Change No. 2206; Sheet No. 5).

Ord. No. 70-07.

By Council Member Reed.

An ordinance to change the Use District of land on the east and west sides of East 152nd Street north of Kinsman Road from a Two Family Residential District to a Residence Office District (Map Change No. 2210; Sheet No. 10).

Ord. No. 71-07.

By Council Member Zone.

An ordinance to change the Height District of land on the north side of Detroit Avenue between West 65th Street to West 67th Street from a '1' or a '2' Height District to a '3' Height District (Map Change No. 2209; Sheet No. 1).

Ord. No. 145-07.

By Council Member Polensek.

An ordinance to change the Use District of property located on the northeast corner of East 185th Street and Neff Road from Local Retail Business District to an RA2 Townhouse District (Map Change No. 2212; Sheet No.7).

Ord. No. 299-07.

By Council Member Cimperman.

An ordinance to change the zoning of property located between East 41st Street and East 43rd Street south of Superior from Two-Family Residential to Semi-Industry (Map Change No. 2218 Sheet No. 4).

Ord. No. 300-07.

By Council Member Reed.

An ordinance to change the zoning of property located on the southwest corner of Kinsman Road and East 123rd Street from RA-2 to Local Retail Business and a 'C' Area District (Map Change No. 2215 Sheet No. 10).

Ord. No. 301-07.

By Council Member Zone.

An ordinance to change the zoning of property located on the north-

west and southwest corners of Father Caruso at West 65th Street and at West 67th Street to Two Family Residential and a '1' Height District (Map Change No. 2217 Sheet No. 1).

Ord. No. 415-07.

By Council Member Britt.

An ordinance to change the Use District of a parcel of land located on the northeast corner of East 105th Street and Norman Avenue from a Local Retail Business District to a General Retail Business District (Map Change Number 2220, Sheet 9).

Ord. No. 498-07.

By Council Member Polensek.

An ordinance establishing a Pedestrian Retail Overlay (PRO) District along East 185th Street between Lake Shore Boulevard and Waterloo Road (Map Change No. 2221, Sheet No. 7).

Ord. No. 499-07.

By Council Member Polensek.

An ordinance establishing a Pedestrian Retail Overlay (PRO) District on lands fronting on Waterloo Road and East 156th Street bounded by Huntmere Avenue to the north, East 152nd Street to the west and E. 163rd Street to the east (Map Change No. 2222, Sheet No. 7).

Ord. No. 544-07.

By Council Member Zone.

An ordinance changing the Use Districts of parcels on the northeast corner or West 65th Street and Franklin Avenue from a Two Family District to Local Retail Business District (Map Change Number 2223, Sheet 1).

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

Joseph C. Cimperman

Chairman

Committee on City Planning

May 9, 2007, May 16, 2007 and May 23, 2007

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, May 30, 2007 1:00 p.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 30, 2007, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 588-A-07.

By Council Member Cimperman.

An ordinance to change the zoning of land fronting on W45th

Street, Franklin Boulevard and vacated Marquette Street to Urban-Garden Districts (Map Change No. 2224, Sheet Numbers 1 & 4).

Ord. No. 743-07.

By Council Member Brancatelli.
An ordinance to change the zoning of a parcel of land on the west side of East 80th Street, North of Aetna Road to Semi-Industry (Map Change No. 2227, Sheet No. 6).

Ord. No. 744-07.

By Council Member Cimperman.
An ordinance changing the Use District of land on the west side of West 14th Street north of Castle Avenue and south of Mentor Avenue from Multi-Family to Urban Garden District (Map Change No. 2228, Sheet No. 1).

Ord. No. 745-07.

By Council Member Turner.
An ordinance changing the Use District of property located on the south side of Seville Road from One Family to Semi-Industry (Map Change No. 2226, Sheet No. 10).

Ord. No. 746-07.

By Council Member Sweeney.
An ordinance changing the Use District of property located on the east side of Grayton Road north of Brookpark Road from a One Family Residential District to a Residence Office District (Map Change No. 2225, Sheet No. 13).

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

Joseph C. Cimperman
Chairman
Committee on City Planning

May 16, 2007 and May 23, 2007

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before

doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, MAY 24, 2007

New Air Quality Monitoring Facility, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1870-06, passed by the Council of the City of Cleveland, November 27, 2006.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, MAY 16, 2007 AT 2:00 P.M., CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM #517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

West 160th Street Sanitary Sewer Replacement Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 873-06, passed by the Council of the City of Cleveland, July 12, 2006.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MAY 18, 2007 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

May 9, 2007 and May 16, 2007

FRIDAY, MAY 25, 2007

2007 Summer Food Program, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 253-07, passed by the Council of the City of Cleveland, April 2, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, MAY 21, 2007 AT 10:00 A.M., DIVISION OF RECREATION, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Rental of Large 17 Ton Capacity Trucks with Operators, for the

Division of Streets, Department of Public Service, as authorized by Ordinance No. 198-07, passed by the Council of the City of Cleveland, March 5, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, MAY 21, 2007 AT 10:00 A.M., DIVISION OF STREETS, CONFERENCE ROOM #26, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Purchase of Various Case and Gradall Construction Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, MAY 21, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

May 9, 2007 and May 16, 2007

WEDNESDAY, MAY 30, 2007

Improvements to Harvard Yards Service Facility for the Division of Motor Vehicle Maintenance, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 692-06, passed by the Council of the City of Cleveland, June 12, 2006.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 24, 2007 AT 10:00 A.M., HARVARD YARDS, DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

Various Fuel Dispensing System Maintenance and Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, MAY 22, 2007 AT 10:00 A.M., HARVARD YARDS, DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

May 9, 2007 and May 16, 2007

WEDNESDAY, MAY 30, 2007

Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 447-07, passed by the Council of the City of Cleveland, April 2, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRI-

DAY, MAY 25, 2007 AT 10:00 A.M., DIVISION OF RECREATION, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 16, 2007 and May 23, 2007

WEDNESDAY, JUNE 6, 2007

Various Galion-Dresser, Komatsu and Blaw Knox Paver Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 21, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

May 16, 2007 and May 23, 2007

FRIDAY, JUNE 8, 2007

HVAC Repair Services, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 196-07, passed by the Council of the City of Cleveland, March 5, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, MAY 29, 2007 AT 11:00 A.M., DIVISION OF STREETS, CONFERENCE ROOM #26, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 16, 2007 and May 23, 2007

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 749-07.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3655-57 Bosworth Road, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Masich, Inc., 3655-57 Bosworth Road, 1st floor, Cleveland, Ohio 44111, Permanent Number 5604495 to Marjorie E. Frierson, DBA Bosworth Tavern, 3655-57 Bosworth Road, 1st floor, Cleveland, Ohio 44111, Permanent Number 2932986; 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 D5 Liquor Permit from Masich, Inc., 3655-57 Bosworth Road, 1st floor, Cleveland, Ohio 44111, Permanent Number 5604495 to Marjorie E. Frierson, DBA Bosworth Tavern, 3655-57 Bosworth Road, 1st floor, Cleveland, Ohio 44111, Permanent Number 2932986; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 7, 2007.

Effective May 11, 2007.

Res. No. 750-07.

By Council Members Cleveland, Pierce Scott, Turner, Zone, Westbrook, Coats, Cummins, Brancatelli, Lewis, Cimperman, Conwell, Sweeney and Brady.

An emergency resolution recognizing that April 26, 2007 was Cleveland Community Voice Mail Day and acknowledging the Cleveland Community Voice Mail staff that help provide a vital service to the homeless in Cleveland

Whereas, Cleveland's homeless population surpasses 25,000 people over the course of a year, with over 4,000 people homeless every night and 2,000 living in shelters; and

Whereas, Cleveland's homeless population needs access to safe, affordable, decent housing and jobs that pay a living wage; and

Whereas, the Cleveland Community Voice Mail program provides a telephone number and message service to those who are homeless and those with very low incomes in Cleveland, allowing those struggling to find housing to receive messages from potential landlords, employers and social service providers; and

Whereas, Cleveland Community Voice Mail has a 70% success rate in linking people to employers, landlords and social service providers; and

Whereas, Cleveland Community Voice Mail has been in operation for the past 7 years and has served over 18,500 people by providing them safe, reliable access to messages; and

Whereas, the Cleveland Community Voice Mail service has expanded to Lorain County; currently over 60 agencies distribute Voice Mail boxes in Cuyahoga and Lorain counties; and

Whereas, Cleveland Community Voice Mail won the Golden Phone Award in 2005 as the best voice mail system out of 37 voice mail programs in the United States; 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 recognizes that April 26, 2006 was Cleveland Community Voice Mail Day and acknowledges the Cleveland Community Voice Mail staff that help provide a vital service to the homeless in Cleveland.

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

Adopted May 7, 2007.

Effective May 11, 2007.

Res. No. 751-07.

By Council Member Pierce Scott and Cummins.

An emergency resolution declaring this Council's support of the proposal of Cleveland Housing Network, Inc., Cleveland Green Homes LP I to the Ohio Housing Finance Agency for the use of housing tax credits for its Cleveland Green Homes development.

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

Whereas, Cleveland Housing Network, Inc., Cleveland Green Homes LP I is proposing to develop 60 housing units on scattered sites throughout the City of Cleveland

with a special emphasis on the East submarket as defined by Ohio Housing Finance Agency; and

Whereas, 100% of these homes are affordable and no housing units are market rate; and

Whereas, the proposed development does not serve a special needs population; and

Whereas, Cleveland City Council supports the Cleveland Housing Network, Inc., Cleveland Green Homes LP I proposal for affordable housing for the benefit the citizens of the City of Cleveland; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cleveland Housing Network, Inc., Cleveland Green Homes LP I to the Ohio Housing Finance Agency for the use of housing tax credits for its Cleveland Green Homes development.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of Cleveland Housing Network, Inc.

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

Adopted May 7, 2007.

Effective May 11, 2007.

Res. No. 752-07.

By Council Member Sweeney. An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.

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

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

Section 1. That the schedule of meetings during the summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 11, 2007
August 8, 2007

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 10, 2007.

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

shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 7, 2007.

Effective May 11, 2007.

Ord. No. 537-07.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment of the agreement with the Cleveland Neighborhood Development Coalition to provide financial assistance for the administration and staffing of the Cleveland Industrial Retention Initiative authorized under Ordinance No. 1813-06, passed November 20, 2006; and authorizing the Director of Economic Development to enter into a grant agreement with the Westside Industrial Retention and Expansion Network to provide financial assistance for the administration and staffing of the Cleveland Industrial Retention Initiative.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment of the agreement with the Cleveland Neighborhood Development Coalition to provide financial assistance for the administration and staffing of the Cleveland Industrial Retention Initiative authorized under Ordinance No. 1813-06, passed November 20, 2006, to provide additional services under the agreement, in an amount not to exceed \$33,000.

Section 2. That the Director of Economic Development is authorized to enter into a grant agreement with the Westside Industrial Retention and Expansion Network ("WireNet") to provide financial assistance for the administration and staffing of the Cleveland Industrial Retention Initiative in an amount not to exceed \$400,000.

Section 3. That the costs of the amendment and grant shall not exceed \$433,000 and, any other ordinance to the contrary notwithstanding, shall be paid from Fund No. 17 SF 652, Request Nos. 103713 and 103740.

Section 4. That the Director of Law is authorized to prepare the amendment and grant agreement and other documents as may be appropriate to complete the transactions.

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 May 7, 2007.

Effective May 11, 2007.

Ord. No. 569-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing payment of membership dues of the City of Cleveland in various professional organizations.

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 cause payment of 2007 membership dues of the City of Cleveland to be made to the Greater Cleveland International Trade Alliance, the Ohio Municipal League, NOACA, Mayors and Managers Association, U.S. Conference of Mayors, National League of Cities, Greater Cleveland Partnership, and the Downtown Development Corporation. The membership dues for the Ohio Municipal League will include forty-five subscriptions to Cities and Village Magazine.

Section 2. That the payment for the dues and subscriptions shall be paid from Fund Nos. 01-999800-624800, 01-999800-623100, 01-999800-623200, 01-999800-623300, 01-999800-623700, 01-999800-623800, 01-999800-624300, and 01-999800-624600, Request No. 146293.

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

Passed May 7, 2007.

Effective May 11, 2007.

Ord. No. 570-07.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of various laboratory, medical, pharmaceutical supplies and equipment, and nursing supplies, in the estimated sum of \$350,000 for a one year period, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118777)

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

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

Passed May 7, 2007.
Effective May 11, 2007.

Ord. No. 571-07.
By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of welding equipment, supplies, and materials, in the estimated sum of \$85,000 for a one year period, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118776)

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

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

Passed May 7, 2007.
Effective May 11, 2007.

Ord. No. 636-07.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of paper and envelopes, for the Division of Printing and Reproduction, Department of Finance.

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 the term of one year of the necessary items of various paper and envelopes, in the approximate amount as purchased during the pre-

ceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Printing and Reproduction, 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 deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 177116)

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

Passed May 7, 2007.
Effective May 11, 2007.

Ord. No. 647-07.

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

An emergency ordinance to amend Sections 1, 2, and 3 of Ordinance No. 1664-05, passed September 12, 2005 to apply for and accept funding from the Cuyahoga County Redevelopment Fund to partially finance the demolition and environmental remediation of the Nurses Building and the Main Hospital Building on the St. Michael's Hospital site located at 5163 Broadway Avenue.

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

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

Section 1. That Sections 1, 2, and 3 of Ordinance No. 1664-05, passed September 12, 2005, are amended to read as follows:

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in the approximate amount of \$515,000, from the Cuyahoga County Brownfield Redevelopment Fund, to provide financial assistance to partially finance the demolition and environmental remediation of the Nurses Building and the Main Hospital Building on the St. Michael's site, located at 5163 Broadway Avenue; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the

purposes described in the summary and loan documents for the grant contained in the file described below.

Section 2. That the Director of Community Development is authorized to apply to the Cuyahoga County Brownfield Redevelopment Fund for loan assistance in an amount up to \$700,000, to partially finance the project described in the file.

Section 3. That the summary and loan documents for the grant and loan, File No. 1664-05-C, made a part of this ordinance as if fully rewritten, as presented to the Finance committee of this council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 2. That existing Sections 1, 2 and 3 of Ordinance No. 1664-05, passed September 12, 2005, are repealed.

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

Passed May 7, 2007.
Effective May 11, 2007.

Section 2. The Director of Community Development is authorized to enter into contract or contracts with various agencies or entities for activities relating to the promotion of housing events in the City of Cleveland.

Section 3. That this Council determines that the within commodities are non-competitive and cannot be secured from a source other than Executive Information Systems, LLC. Therefore the Director of Community Development is authorized to make one or more written contracts with Executive Information Systems, LLC for SAS software maintenance, to be purchased by the Commissioner of Purchases and Supplies, for the Department of Community Development, for a period of one year.

Section 4. That the costs of the contracts authorized in this ordinance shall be paid from Fund No. 14 SF 033.

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 May 7, 2007.
Effective May 11, 2007.

it entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant ("CDBG") Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$8,400,000.00 and shall be paid from Fund Nos. 14 SF 030, 14 SF 031, 14 SF 032 and 14 SF 033.

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

Section 7. That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument exe-

Ord. No. 652-07.
By Council Members Pierce Scott and Sweney (by departmental request).

An emergency ordinance appropriating Community Development Block Grant and NEF Administrative Cost funds for administrative expenses of the Department of Community Development; authorizing the director to enter into one or more contracts with various agencies and entities for activities relating to promoting housing events; and authorizing the director to enter into one or more contracts with Executive Information Systems, LLC for SAS software maintenance, for a period not to exceed one year.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 33 from the United States Government; and

Whereas, City Council has designated administrative processing costs from Neighborhood Equity Funds; and

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

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

Section 1. That Community Development Block Grant and NEF administrative funds in the amount of \$2,741,400 from Fund No. 14 SF 033 and \$43,637 from Fund No. 10 SF 166 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$2,219,237
Other	565,800

Ord. No. 653-07.
By Council Members Pierce Scott and Sweney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 33 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 33 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

Section 1. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for prof-

cuted to evidence and secure repayment of loans made under this program.

Section 8. That the Director of Community Development is authorized to enter in forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed May 7, 2007.

Effective May 11, 2007.

Ord. No. 654-07.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 33 from the United States Government; and

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland.

Section 2. That the Director of Community Development is authorized to accept monies in repayment under this program and utilize the repayments for additional expenditures under this program and administrative expenses, and the repayments are appropriated for this purpose.

Section 3. That the aggregate cost of the contracts shall not exceed \$121,000.00, and shall be paid from Fund No. 14 SF 033, Request No. 178603.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed May 7, 2007.

Effective May 11, 2007.

Ord. No. 655-07.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 33 from the United States Government; and

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

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

Section 1. That the Director of Community Development is authorized to enter into contracts with one or more non-profit agencies to operate a community gardening program.

Section 2. That the cost of the contract or contracts shall not exceed \$105,000.00, and shall be paid from Fund No. 14 SF 033, Request No. 178602.

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

Passed May 7, 2007.

Effective May 11, 2007.

Ord. No. 747-07.

By Council Member Brady.

An emergency ordinance authorizing the Director of Community Development to enter into 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, and other associated costs necessary to redevelop the property and provide parking for the Variety Theatre.

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

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

Section 1. That the Director of Community Development is authorized to enter into contract with Friends of the Historic Variety Theatre, Inc., a corporation for non-prof-

it, to provide assistance to partially finance project costs associated with the acquisition, capital reserves, and maintenance of property located at 11816-11824 Lorain Avenue, also known as Permanent Parcel Nos. 021-22-018 and 021-22-019, and other associated costs necessary to redevelop the property and provide parking for the Variety Theatre.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 747-07-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed \$175,000 and shall be paid from Fund No. 14 SF 032, which funds are appropriated for this purpose, Request No. 178605.

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

Section 5. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 14.

Section 6. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 14.

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

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 7, 2007.

Effective May 7, 2007.

COUNCIL COMMITTEE

MEETINGS

Monday, May 14, 2007

9:30 a.m.

Health and Human Services Committee: Present: Britt, Chair; Kelley, Santiago, Reed

Authorized Absence: Cleveland, Vice Chair; Conwell, Westbrook
 Protempore: Coats, Brancatelli

11:00 a.m.
Public Service Committee: Present: Brady, Chair; Turner, Vice Chair; Cleveland, Polensek, Cummins, White, Santiago, Reed
 Authorized Absence: Johnson

2:00 p.m.
Finance Committee: Present: Sweeney, Chair; Cimperman, Vice

Chair; Brady, Conwell, Pierce Scott, Brancatelli, Zone, Westbrook, Coats, White
 Authorized Absence: Britt

Tuesday, May 15, 2007
9:30 a.m.

Community and Economic Development Committee: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Coats, West-

brook, Brady, Lewis
 Authorized Absence: Zone

Wednesday, May 16, 2007
10:00 a.m.

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

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