

The City Record

Official Publication of the Council of the City of Cleveland



January the Twenty-First, Two Thousand and Nine

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

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

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Nathaniel K. Wilkes	8410 Vineyard Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	8323 Pulaski Avenue	44103
8	Sabra Pierce Scott	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – _____, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 21, 2009

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CITY COUNCIL

MONDAY, JANUARY 19, 2009

The City Record

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PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 14, 2009

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 14, 2009, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Absent: Mayor Jackson.

Others: James Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 12-09.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2009 in the amount of \$64,726.22, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 13-09.

By Interim Director Withers.

Whereas, under the authority of Ordinance No. 161-08, passed by the Council of the City of Cleveland on March 10, 2008, and Board of Control Resolution No. 525-08, adopted November 5, 2008, the City of Cleveland entered into City Contract No. 68733 with Shook, Inc. Northern Division for the public improvement of the Morgan Water Works Plant Pretreatment and Residuals Project in the amount of \$42,455,724.30, and further approved the employment of Duct Fabricators, Inc. (CSB/FBE), among others, as a subcontractor, for the Division of Water, Department of Public Utilities; and

Whereas, by its November 14, 2008 letter, Shook, Inc. Northern Division requested the City's consent to substitute other CSB/MBE/FBE subcontractors for Duct Fabricators, Inc.; and

Whereas, under Section 187.13 C.O., the Director of the Office of Equal Opportunity has found that Shook has made a good-faith effort to identify and propose certain other CSB/MBE/FBE subcontractors to fulfill Shook's utilization commitment and has approved the requested substitutions; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 525-08, adopted November 5, 2008, under authority of Ordinance No. 161-08, passed by the Council of the City of Cleveland on March 10, 2008, approving Shook, Inc. Northern Division for the public improvement of the Morgan Water Works Plant Pretreatment and Residuals Project, for the Division of Water, Department of Public Utilities is amended by deleting Duct Fabricators, Inc. (CSB/FBE) \$1,450,000.00 (3.42%).

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Shook, Inc. Northern Division for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Lake Erie Electric	\$3,555,000.00 8.37%
Powermike & Co. (CSB/M)	\$ 500,000.00 1.18%
Minority Electric Co., Inc. (CSB/M/F)	\$ 500,000.00 1.18%
Timeline Photography (CSB)	\$ 19,706.00 0.05%
R-Cap Security (CSB/M/F)	\$ 727,000.00 1.71%
Petty Group LLC (CSB/M)	\$ 10,000.00 0.02%
VIP Restoration, Inc. (CSB/M)	\$ 279,000.00 0.66%

Be it further resolved that all other provisions of Resolution No. 525-08 not expressly amended above shall remain unchanged and in full force and effect.

Be it further resolved, that the Director of Public Utilities is authorized to execute all documents and to do all things necessary to implement the sub-contractor substitutions authorized above.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 14-09.

By Interim Director Withers.

Whereas, under the authority of Ordinance No. 1235-07, passed by the Council of the City of Cleveland on October 29, 2007, and Board of Control Resolution No. 127-08, adopted March 12, 2008, the City of Cleveland entered into City Contract No. 67951 with Kokosing Construction Company, Inc. for the public improvement of the Baldwin Water Works-Kirtland Pump Station Rehabilitation Project in the amount of \$17,981,150.00, and further approved the employment Giambrone, among others, as a sub-contractor, for the Division of Water, Department of Public Utilities; and

Whereas, by its October 31, 2008 letter, Kokosing Construction Company, Inc. requested the City's consent to substitute VIP Restoration, Inc. for Giambrone, Inc.; and

Whereas, the Director of the Office of Equal Opportunity has approved Kokosing for additional non-certified sub-contractors; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 127-08, adopted March 12, 2008, under authority of Ordinance No. 1235-07, passed by the Council of the City of Cleveland on October 29, 2007, approving Kokosing Construction Company, Inc. for the public improvement of the Baldwin Water Works-Kirtland Pump Station Rehabilitation Project, for the Division of Water, Department of Public Utilities is amended by deleting: Giambrone \$207,000.00 (1.15%).

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Kokosing Construction Company, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
A-1 Industrial Maintenance	\$275,000.00 1.53%
Dortronic Inc., d.b.a. Action Door	\$ 8,761.00 0.05%
B & B Wrecking & Excavating, Inc.	\$ 56,600.00 0.31%
Berry Industrial Insulation Company	\$ 48,000.00 0.27%
Building Technicians Corporation	\$106,700.00 0.59%
Gratton Building Specialties, Inc.	\$ 9,689.00 0.05%
J & B Acoustical, Inc.	\$169,062.00 0.94%

Lake Erie Diving, Inc.	\$ 19,146.00 0.11%
Schweizer Dipple Inc.	\$557,800.00 3.10%
SimplexGrinnell LP	\$ 17,500.00 0.10%
Standard Contracting & Engineering, Inc.	\$551,000.00 3.06%
Total Precast Installation, LLC	\$ 15,400.00 0.09%
VIP Restoration, Inc.	\$132,000.00 0.73%

Be it further resolved that all other provisions of Resolution No. 127-08 not expressly amended above shall remain unchanged and in full force and effect.

Be it further resolved, that the Director of Public Utilities is authorized to execute all documents and to do all things necessary to implement the sub-contractor substitutions authorized above.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Carroll, Acting Director H. Smith, Directors Cox, Rush, Hutchinson, Nichols, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 2, 2009

9:30 A.M.

Calendar No. 08-220: 4965 Broadview Road (Ward 16)
CSX Railroad, owner, and CBS Outdoor and Tim Keaton, tenant, appeal to install automatic changeable copy signs on an existing 14' x 48' and 70 foot high billboard, located an acreage in a General Industry District; and under the provisions of Section 350.10(j) a billboard is permitted in general industry zoning and can only be illuminated by means of continuous reflected light; automatic changeable copy signs are not permitted.

Calendar No. 08-223: 6611 Barberton Avenue (Ward 16)
Calogero Monastra, owner, and AMS International Samidam Trading, tenant, appeal to establish use for motor vehicle storage on acreage located in a General Industry District; contrary to Sections 352.08 and 352.11 of the Cleveland Codified Ordinances, no landscaping strip is proposed and an 8 foot wide (75 percent year-round opacity) landscaping strip is required at the front yard between the General Industry and Local Retail Business District; and under the provisions of Sections 349.07 (a) and (b), accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash and provided with wheel or bumper guards that are located so that no part of a parked vehicle will extend beyond such parking space.

Calendar No. 08-224: 3584 West 67th Street (Ward 16)
Calogero Monastra, owner, and Samidam Trading Modern Welding, Inc., tenant, appeal to establish use for motor vehicle repair and storage on a 192.86' x 180.44' parcel located in a Semi-Industry District; subject to the limitations of Section 345.03(c)(2) a repair garage is permitted, provided that it is located not less than 100 feet from a residence district and the proposed use abuts a Two-Family District; and contrary to Sections 352.08 and 352.11, no landscaping is proposed, and a 10 foot wide (75 percent opacity) landscaping strip is required at lot lines which are also the boundary lines of a residence district.

Calendar No. 08-225: 1163 East 123rd Street (Ward 9)
Alaeddin Mohammad and 1163 East 123rd Street Ltd., owner, appeals to install a 6 foot high board on board wooden fence within the front and side street yard setback on the southeast corner of East 123rd Street and Phillips Avenue in a Local Retail Business District; and except as specifically required because of the type of use, in non-residential districts other than General

and Unrestricted Industry Districts, fences in actual front and side street yards shall not exceed 4 feet in height and shall be at least 50 percent open above 2 feet in height, as stated in Sections 358.05(a)(2) of the Codified Ordinances.

Calendar No. 08-241: 12408 Union Avenue (Ward 3)
Fahed Hamze, owner, and AT&T Mobility, prospective lessee, appeal to add a 15 foot antenna extension to a 110 foot high existing nonconforming telecommunications tower in a Local Retail Business District, for which the Board of Zoning Appeals granted approval with conditions in Calendar No. 00-249; and subject to the provisions of Section 354.10, an existing nonconforming telecommunications tower may be continued, but such tower shall not be made more nonconforming unless the alteration is approved by the Board of Zoning Appeals. The existing tower being nonconforming in location, not permitted in Local Retail per Section 354.06(a); and approximately 100 feet from a residential district, contrary to a setback from residential district lines that is a distance of three times the tower height, or 345 feet; and a tower height may exceed the height limit of 35 feet only when it is in compliance with all other provisions of Chapter 354 of the Zoning Code.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 20, 2009

At the meeting of the Board of Zoning Appeals on Tuesday, January 20, 2009, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 08-237: Julius Nganga - Hack License Suspension
Julius Nganga appealed from the suspension of a City of Cleveland Hack License issued by the Commissioner of Assessments and Licenses.

Calendar No. 08-167: 5110 Clark Avenue
Prime Properties, LLC appealed to add a drive-through at an existing gas station in a General Retail Business District; subject to conditions.

The following appeal was **Denied:**
None

The following appeal was **Withdrawn:**

Calendar No. 08-176: 5110 Clark Avenue
Prime Properties Limited Partnership appealed from a Notice of Violation issued by the Building and Housing Department.

The following appeal was **Dismissed:**
None

The following appeals were **Postponed:**

Calendar No. 08-235: 2950-66 East 116th Street postponed to February 9, 2009.

Calendar No. 08-236: 4120 Lee Road postponed to February 17, 2009.

The following appeal heard by the Board on January 12, 2009 were adopted and approved on January 20, 2009.

The following appeals were **Approved:**

Calendar No. 08-230: 4686 Pearl Road
4700 Pearl Road Limited Partnership and Victor Kassouf appealed to use a portion of a building as an auto repair garage, expanding the limited repair garage use previously granted in a Local Retail Business District; subject to condition.

Calendar No. 08-231: 772 East 152nd Street — PPN 115-09-004
Amer Abuauun appealed from a decision of the Deputy Commissioner of Park Maintenance and Properties regarding vacant lot clean up and costs assessed for the above listed parcels.

Calendar No. 08-232: 776 East 152nd Street — PPN 119-09-005
Amer Abuauun appealed from a decision of the Deputy Commissioner of Park Maintenance and Properties regarding vacant lot clean up and costs assessed for the above listed parcels.

Calendar No. 08-233: 780 East 152nd Street — PPN 115-09-006
Amer Abuauun appealed from a decision of the Deputy Commissioner of Park Maintenance and Properties regarding vacant lot clean up and costs assessed for the above listed parcels.

Calendar No. 08-234: 784 East 152nd Street — PPN 115-09-007
Amer Abuauun appealed from a decision of the Deputy Commissioner of Park Maintenance and Properties regarding vacant lot clean up and costs assessed for the above listed parcels.

Calendar No. 08-209: 3965 West 25th Street
Rockport Lands Ltd., owner, and T-Mobile Corporation, prospective lessee, appealed to erect a 170 foot high monopole telecommunications tower in a General Industry District; subject to conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JANUARY 29, 2009

File No. 4-09 — CUY US 422 01.68 Resurfacing Project Woodland Avenue (East 34th to East 55th) Kinsman Road (East 55th to East 93rd) (Re-Bid), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 917-07 and 350-08, passed by the Council of the City of Cleveland, June 11, 2007 and May 5, 2008, respectively.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF A FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED). THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 22, 2009 AT 10:00 A.M., THE CLEVELAND

CITY HALL, ENGINEERING AND CONSTRUCTION, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

ONLY ODOT PRE-QUALIFIED CONTRACTORS ARE ELIGIBLE TO SUBMIT BIDS FOR THIS PROJECT.

January 14, 2009 and January 21, 2009

FRIDAY, JANUARY 30, 2009

File No. 1-09 — Purchase of Various Vehicle and Equipment Lubricants, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 23, 2009 AT 11:00 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 2-09 — Sewer Maintenance Appurtenance — Slabs, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 23, 2009 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

January 14, 2009 and January 21, 2009

WEDNESDAY, FEBRUARY 4, 2009

File No. 3-09 — Labor, Services and Maintenance to Test, Refurbish, Replace or Repair Existing Unit Process Equipment and Chemical Feeding and Appurtenances (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 633-08, passed by the Council of the City of Cleveland, June 2, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 23, 2009 AT 2:30 P.M., THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 14, 2009 and January 21, 2009

WEDNESDAY, FEBRUARY 11, 2009

File No. 5-09 — Cleaning and Cement Mortar Lining Area 2009-A, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1658-08, passed by the Council of the City of Cleveland, December 8, 2008.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF A ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, JANUARY 26, 2009 AT 11:00 A.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 5TH FLOOR, SITUATION ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 14, 2009 and January 21, 2009

THURSDAY, FEBRUARY 12, 2009

File No. 6-09 — Cleaning and Cement Mortar Lining Area 2009-B, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1658-08, passed by the Council of the City of Cleveland, December 8, 2008.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF A ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, JANUARY 26, 2009 AT 11:00 A.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 5TH FLOOR, SITUATION ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 14, 2009 and January 21, 2009

WEDNESDAY, FEBRUARY 18, 2009

File No. 7-09 — Rehabilitation of Fire Hydrant Vaults at Tower City, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1155-01, passed by the Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A **REFUNDABLE FEE** FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF A ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 27, 2009 AT 9:00 A.M., THE PUBLIC UTILITIES AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 14, 2009 and January 21, 2009

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 59-09.

By Council Member Johnson.
An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 10008 Buckeye Road, and repealing Resolution No. 1060-08, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 10008 Buckeye Road by Resolution No. 1060-08 adopted by the Council on July 2, 2008; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Ray Por, Inc., DBA Eastwood Inn, 10008 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 72245520007 be and the same is hereby withdrawn and Resolution No. 1060-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 12, 2009.
Effective January 20, 2009.

Res. No. 60-09.

By Council Member Reed.
An emergency resolution objecting to a New C2 Liquor Permit at 15310 Kinsman Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Mr. VS Convenience, Inc., DBA Mr. VS Convenience, 15310 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 62088150005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Mr. VS Convenience, Inc., DBA Mr. VS Convenience, 15310 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 62088150005; 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 January 12, 2009.
Effective January 20, 2009.

Res. No. 61-09.

By Council Member Sweeney.
An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 13560 Lorain Avenue, and repealing Resolution No. 1465-08 objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to Cody 1, Inc., 13560 Lorain Avenue, Cleveland, Ohio 44111, Permanent No. 1589123, by Resolution No. 1465-08 adopted by the Council on September 22, 2008; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Cody 1, Inc., 13560 Lorain Avenue, Cleveland, Ohio 44111, Permanent No. 1589123 be and the same is hereby withdrawn and Resolution No. 1465-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted January 12, 2009.
Effective January 20, 2009.

Ord. No. 1675-08.

By Council Member Pruitt.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Caine Avenue to Upgrade Services LLC.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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 under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Upgrade Services LLC.

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

P. P. No. 138-18-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 10 in The Caine Realty Company's Miles-Corlett Allotment of part of Original One Hundred Acre Lot No. 470 as shown by the recorded plat in Volume 43 of Maps, Page 25 of Cuyahoga County Records. Said Sublot has a frontage of 40 feet on the Northeasterly side of Caine Avenue, S.E., and extending back of equal width 145 feet deep, as appears by said plat, be the same more or less but subject to all legal highways.

Section 3. That all documents necessary to complete the con-

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

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

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

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

Passed January 12, 2009.

Effective January 20, 2009.

Ord. No. 1776-08.

By Council Members Brady, 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 11850 Lorain Avenue, Cleveland, Ohio.

Whereas, by Resolution No. 1003-08, adopted October 20, 2008, 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 11850 Lorain Avenue; 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 11850 Lorain Avenue; 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 11850 Lorain Avenue through the acquisition and redevelopment and/or rehabilitation, the following described fee simple interests are appropriated:

P. P. No. 021-22-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 50 in West, Smith and Jordon's Western Heights Allotment of part of Original Rockport Township Section No. 11 as shown by the recorded plat in Volume 23 of Maps, Page 20 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Northeasterly line of Lorain Avenue (80 feet wide) with the Northeasterly line of West 119th Street; thence Northwesterly 79.65 feet along the said Northeasterly line of West 119th Street to a point; thence Northeasterly 41.71 feet and along the face of a brick wall to a point in the Northeasterly line of said Sublot No. 50 distant Southeast-erly 60 feet from the most Northerly corner of said Sublot No. 50; thence Southeasterly 80 feet along the Northeasterly line of said Sublot No. 50 to its intersection with the said Northwesterly line of Lorain Avenue; thence Southwesterly 41.71 feet along the said Northwesterly line of Lorain Avenue to the place of beginning, 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.

Passed January 12, 2009.

Effective January 20, 2009.

Ord. No. 1821-08.

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

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

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years, for the necessary items of construction and demolition debris disposal services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

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

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

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 180710)

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

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

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address) as Principal and _____

(Name of Surety) as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

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

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

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

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims

of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

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

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

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____ Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS: _____

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS: _____

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

Passed January 12, 2009. Effective January 20, 2009.

Ord. No. 54-09.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 21st Annual Walk for Hunger, on May 9, 2009, to benefit the Hunger Network of Greater Cleveland.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this

Council consents to and approves the holding of the 21st Annual Walk for Hunger, to benefit the Hunger Network of Greater Cleveland, on May 9, 2009, with the Walk beginning at Burke Lakefront Airport and progressing to Erieside, around the Browns Stadium, south on West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on East 9th to Superior, west on Superior to Mall, cross the Mall to Lakeside, east on Lakeside to East 9th, north on East 9th to North Coast Harbor to the finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed January 12, 2009. Effective January 20, 2009.

Ord. No. 56-09.
By Council Members Brancatelli, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1055-05, passed July 13, 2005, relating to authorizing the Director of Economic Development to enter into contract with Slavic Village Development to provide economic development assistance to partially finance the acquisition and demolition of a mixed-use building located at 7655 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 Section 2 of Ordinance No. 1055-05, passed July 13, 2005, is amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1055-05-B, 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.

Section 2. That existing Section 2 of Ordinance No. 1055-05, passed July 13, 2005, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed January 12, 2009.
Effective January 20, 2009.

**Ord. No. 58-09.
By Council Member Sweeney.
An emergency ordinance authorizing the Director of Finance to enter into an agreement with Cleveland Community Access Corporation for management of public access channels.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Finance is authorized to enter into an agreement with Cleveland Community Access Corporation ("CCAC") for CCAC's management of public access channels.

Section 2. The agreement shall not exceed \$150,000 per year and shall be paid from the fund or funds designated by the Director of Finance and appropriated for this purpose.

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 January 12, 2009.
Effective January 20, 2009.

COUNCIL COMMITTEE MEETINGS

**Wednesday, January 21, 2009
10:00 a.m.**

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

1:30 p.m.

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

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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