

The City Record

Official Publication of the Council of the City of Cleveland



September the Third, Two Thousand and Eight

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
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	Mamie J. Mitchell
7	Stephanie Howse
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

Containing	PAGE
City Council	3
The Calendar	10
Board of Control	10
Civil Service	13
Board of Zoning Appeals	13
Board of Building Standards and Building Appeals	14
Public Notice	14
Public Hearings	14
City of Cleveland Bids	14
Adopted Resolutions and Ordinances	15
Committee Meetings	15
Index	16

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	Mamie J. Mitchell.....	12701 Shaker Boulevard, #712	44120
7	Stephanie Howse.....	1804 East 93rd Street	44106
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 – 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. Martines, Law Librarian, Room 100

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

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

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

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

DEPT. OF PORT CONTROL – Ricky D. Smith, Director
Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid 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 – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 95

WEDNESDAY, SEPTEMBER 3, 2008

No. 4943

CITY COUNCIL

TUESDAY, SEPTEMBER 2, 2008

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland
The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

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

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; Turner, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, White.

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Tuesday, September 2, 2008

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, Howse, Johnson, Keane, Kelley, Mitchell, Pierce Scott, Polensek, Reed, Santiago, Sweeney, Turner, Westbrook, White and Zone.

Also present were Ken Silliman, Chief of Staff; Valerie J. McCall, Chief of Government Affairs; Maureen Harper, Chief of Communications; and Director Triozzi and Richard Horvath, Chief Trial Counsel.

Moment of silence for pray. Pledge of Allegiance.

MOTION

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1316-08.

By Council Members Cleveland, Kelley, Johnson and Coats.

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend and repeal various sections of the Charter of the City of Cleveland relating to the City election process.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore,

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 3, 4, 6, 7, 8, 11, 13, 15, 23-1, 24, 50, 51, 57, and 66 to read as follows and, further, to repeal existing Sections 9, 15-1, 23-2, 23-3, 23-4, 23-5, 23-6, and 23-7 as follows:

§ 3 Elections

A general election for the choice of elective officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November every four years commencing November 1981. Elections so held shall be known as regular Municipal elections. The other elections shall be held as may be required by law, or provided for in this Charter.

§ 4 Nominations

Candidates for all offices to be voted for at any regular Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the second Tuesday in September prior to the regular Municipal election. Candidates for all offices to be voted for at any other Municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held on the eighth Tuesday prior to the other Municipal elections.

§ 6 Petition Form

The signatures to a nominating petition need not all be appended to one paper, but on each separate paper the circulator shall indicate the number of signatures contained on the petition, and shall sign a statement made under penalty of election falsification that the circulator witnesses the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose name it purports to be. Each signer of a petition shall sign his or her name in ink or indelible pencil, and shall place on the petition after his or her name the signer's place of residence by street and number, or other description sufficient to identify the place, and give the date when the signer's signature was made.

§ 7 Candidacy and Nominating Petition Papers

The form of statement of candidacy and nominating petition papers shall be substantially as follows:

STATEMENT OF CANDIDACY

I, _____ (Name of Candidate), the undersigned, hereby declare under penalty of election falsification that my voting residence is in _____ precinct of Ward _____ of the City of Cleveland; that my voting residence is _____ (Street and Number); and that I am a qualified elector in the precinct in which my voting residence is located. I hereby declare that I desire to be a candidate for nomination to the office of _____ at the primary election to be held on the _____ day of _____, _____.

Dated this _____ day of _____,

(Signature of candidate)

The statement of candidacy shall contain the penalty for election falsification as prescribed by the general law of the State.

NOMINATING PETITION

We, the undersigned, qualified electors of the City of Cleveland (or _____ ward of the City of Cleveland), State of Ohio, whose voting residence is at the street address, ward, and precinct set opposite our names, request that _____ (Name of Candidate) be placed upon the primary election ballot as a candidate for nomination for the office of _____ at the primary election to be held in the City (or the ward) on the _____ day of _____, _____.

Signature _____ Street Number _____ Ward _____
Precinct _____ Date of Signing _____
Must use address on file with the board of elections)

_____ (Name of Circulator of Petition), declares under penalty of election falsification that the circulator of the peti-

tion is a qualified elector of the state of Ohio and resides at the address appearing below the circulator's signature; that the circulator is the circulator of the foregoing petition paper containing _____ (Number) signatures; that the circulator witnessed the affixing of every signature; that all signers were to the best of the circulator's knowledge and belief qualified to sign; and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose signature it purports to be.

(Signature of Circulator)

(Address of Circulator)

The nominating petition shall contain the penalty for election falsification as prescribed by the general law of the State.

§ 8 Filing and Verification of Petitions

All separate papers comprising a statement of candidacy and nominating petition shall be assembled and filed with the election authorities as one instrument no later than four p.m. on the seventy-fifth day prior to the day of the primary election. Within ten days after the filing of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to be signed by the required number of qualified electors. If insufficient, the person named therein as candidate may, amend the petition by filing within five (5) days after notification of insufficiency by the election authorities, additional petition papers. Within five (5) days after the filing of the additional petition papers, the election authorities shall notify the person named therein as candidate whether the amended petition is found to be signed by the required number of qualified electors.

§ 9 Acceptance of Nomination — Repealed

§ 11 Ballots

All ballots used in elections held under authority of this Charter shall be without part marks or designations. Ballots used for the nomination or election of candidates shall contain a complete list of the offices to be filled, and the names of candidates for each office shall be arranged under the title thereof. Voters shall record their choices in the manner prescribed by the general law of the State.

§ 13 Write-in Spaces on Ballots

A write-in space shall be provided on the ballot in the manner prescribed by general law of the State.

§ 15 General Laws to Apply

All elections provided for by this Charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities

prescribed by general law of the State; and the provisions of the general election laws of the State shall apply to all the elections except as provision is otherwise made by this Charter, and except further that the Council may, by ordinance, provide measures to promote and insure the purity and integrity of the ballot, and against corrupt practices in elections.

§ 15-1 Balloting by Armed Forces — Repealed

§ 23-1 Campaign Financing Laws

The Council shall provide by ordinance for limitations on campaign contributions made to the campaign committees for all candidates in all primary, regular and special elections for the office of Mayor and the office of member of Council. The Council shall by ordinance provide penalties for exceeding the campaign contribution limitations and an appeal process for persons alleged to have violated the campaign contribution limitations.

§ 23-2 Comprehensive Disclosure Rules — Repealed

§ 23-3 Fair Campaign Finance Commission — Repealed

§ 23-4 Penalties—Repealed

§ 23-5 Appeals Process — Repealed

§ 23-6 Review of Campaign Financing Laws—Repealed

§ 23-7 Passage of Legislation — Repealed

§ 24 Powers, Terms and Vacancies

The legislative powers of the City, except as reserved to the people by this Charter, shall be vested in a Council, each member of which shall be elected from a separate ward. Members of Council shall be elected for a term of four years and shall serve until their successors are chosen and have qualified.

If at any time, the office of a member is vacant by reason of non-election, death, resignation, removal of residence from the ward represented or from any other cause whatsoever, except when the vacancy is caused by a recall petition, the vacancy shall be filled by the Council for the unexpired term; provided, however, that if the vacancy occurs at any time which is more than two years before the next regular Municipal election, the person selected by the Council to fill the vacancy shall hold office until the person's successor is elected at special municipal elections to be held in accordance with this section and is qualified. If a general election is to be in the City held upon a date not less than 160 days nor more than one year after the occurrence of the vacancy, the special municipal election shall be held at the general election and a special primary election to nominate candidates for the vacancy shall be held on the eighth Tuesday prior to the general election. Otherwise, the aforesaid special municipal elections shall be

held on the first Tuesday after **one hundred** days from the day on which the vacancy first occurs, at which time the primary election shall be held, and on the **eighth** Tuesday following the primary election, at which time the final special municipal election shall be held, and all the provisions in this Charter contained as to nomination and election of candidates for member of Council at regular **Municipal** elections shall apply to the special municipal elections. The person so elected shall hold office for the unexpired portion of the term in which the vacancy in the office of member of Council occurred and until the **person's** successor is elected and qualified and shall assume office immediately upon election and qualification.

§ 50 Signing Petition

Each signer of a petition shall sign his **or her** name in ink or indelible pencil, and shall place on the petition paper after the **signer's** name his **or her** place of residence by street and number, or by other description sufficient to identify the place, **and give the date when the signature was made.** The signatures to any petition paper need not all be appended to one paper but on each **separate** paper the circulator shall indicate the number of signatures contained on the petition, and shall sign a statement made under penalty of election falsification that the circulator witnesses the affixing of every signature, that all signers were to the best of the circulator's knowledge and belief qualified to sign, and that every signature is to the best of the circulator's knowledge and belief the signature of the person whose name it purports to be.

§ 51 Filing Petition

All papers comprising a petition shall be assembled and filed with the Clerk of the Council as one instrument by **no later than 4:00 p.m. on a regular business day of the office of the Clerk.** Within ten (10) days from the filing of a petition the Clerk shall ascertain whether it is signed by the required number of qualified electors. Upon the completion of the **Clerk's** examination the Clerk shall endorse upon the petition a certificate of the result thereof.

§ 57 Ordinance Certification and Submission for Vote

Upon receipt of the certificate and certified copy of the proposed ordinance, the Clerk shall certify the fact to the Council at its next regular meeting. If an election is to be held not more than six months nor less than **sixty (60)** days after the receipt of the Clerk's certificate by the Council, the proposed ordinance shall then be submitted to a vote of the electors of the City. If no election is to be held within the time aforesaid, the Council may provide for submitting the proposed ordinance to the electors of the City at a special election to be held not sooner than **sixty** days after the receipt of the Clerk's certificate. If a supplemental petition, signed by five thousand (5,000) qualified elec-

tors, in addition to those who signed the original petition, be filed with the Clerk asking that the proposed ordinance be submitted to the voters at a time indicated in such petition, the Council shall provide for a special election at the time. The sufficiency of any such supplemental petition shall be determined, and it may be amended in the manner provided for original petitions for proposing ordinances to the Council. If no other provision be made as to the time of submitting a proposed ordinance to a vote of the electors of the City, it shall be submitted at the next election.

§ 66 Form of Ballots; Election Results

Ordinances, or parts thereof, submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title. There shall appear upon the official ballot a ballot title, which may be distinct from the legal title of the proposed or referred ordinances, and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of the ordinance, or part thereof. The ballot title shall be prepared by the committee of petitioners if for an initiated ordinance, and in all other cases by the Director of Law. The ballots used in voting upon the ordinance, or part thereof, shall have below the ballot title thereof the two following propositions, one above the other, in the order indicated: "For the ordinance" and "Against the ordinance." The elector of the City shall record the elector's vote for or against the ordinance or part of an ordinance, if part only of an ordinance is submitted in the manner prescribed by general law. Any number of ordinances or parts thereof, may be voted upon at the same election and may be submitted on the same ballot, but the ballot used for voting thereon shall be for that purpose only. If a majority of the electors of the City voting on any ordinance, submitted in accordance with the initiative provisions of this Charter, shall vote in favor thereof, it shall thereupon become an ordinance of the City. If an ordinance or part of an ordinance, submitted in accordance with the referendum provisions of this Charter, be not approved by a majority of those voting thereon, it shall be deemed repealed.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall various sections of the Charter of the City of Cleveland related to the City's election process be amended or repealed to recognize that City elections are held every four years; to hold the primary election prior to a regular municipal election on the second Tuesday in September and the eighth Tuesday prior to other municipal elections; to eliminate the circulator's affidavit and otherwise conform candidacy and nominating petition papers and initiative petition forms to state law; to fix the filing deadline at no later than four p.m. on the seventy-fifth day prior to the primary election day; to eliminate acceptance of candidacy; to provide for ballot forms and write-in spaces as prescribed by state law; to eliminate the requirement that Council determine election devices and balloting by armed forces; to require that Council provide campaign contribution limitations, penalties and an appeal process for violating the limitations, and eliminate the remaining campaign finance provisions in the Charter; to provide a process to fill vacancies in the Council when more than two years exists before the next regular municipal election and to place this election on a general election day if one occurs not less than 160 days nor more than one year after the vacancy occurs or otherwise at a special election with the primary to occur on the first Tuesday after 100 days from the vacancy; to fix the filing deadline for initiative petition papers by no later than 4:00 p.m. on a regular business day of the Council Clerk; and to fix the election on an initiated ordinance at not less than 60 days after certification of the petition signatures by the Clerk?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 1317-08.

By Council Members Cleveland, Kelley, Johnson and Coats.

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 115-1 and 115-2 of the Charter of the City of Cleveland relating to the Office of Professional Standards and the Police Review Board.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore,

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 115-1 and 115-2 to read as follows:

§ 115-1 Office of Professional Standards

There shall be in the office of the executive head of the police force an Office of Professional Standards, consisting of **one or more investigators appointed by the executive head of the police force**, an administrator, and the Police Review Board. The executive head of the police force may designate an officer of the police force to administer the Office of Professional Standards, or an **employee appointed** to the position of Professional Standards Administrator in conformity with the civil service provisions of this Charter.

§ 115-2 Police Review Board

The Police Review Board shall consist of **seven (7)** members appointed by the Mayor with the approval of the Council. **The five members of the Police Review Board holding the office as of the effective date of this section may continue in office for the remainder of their terms. Two additional members shall be appointed for terms commencing on August 8, 2009. Terms of office for members of the Police Review Board shall be for four years. Vacancies shall be filled in the same manner as original appointments for the unexpired term.**

The executive head of the police force may remove any member of the Board, upon notice and hearing, for neglect of duty or malfeasance in office.

Members of the Board shall receive compensation as may be established by the Council.

The Mayor shall designate annually one member of the board to serve as its chair.

The Board shall appoint personnel **as its staff** as it deems necessary.

Failure of the Council to act on a mayoral appointment within thirty (30) days of its submission shall constitute approval of the appointment.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Sections 115-1 and 115-2 of the Charter of the City of Cleveland be amended to authorize the appointment of two additional members to the Police Review Board with terms commencing on August 8, 2009, and the appointment of civilian investigators to the Office of Professional Standards?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 1318-08.

By Council Members Cleveland, Kelley, Johnson and Coats.

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 108 and 167 of the

Charter of the City of Cleveland relating to authorization of contracts and public improvements.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore,

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 108 and 167 to read as follows:

§ 108 Authorization of Contracts

(a) All contracts involving any expenditure in excess of **fifty thousand dollars (\$50,000.00)** shall first be authorized and directed by ordinance of Council, **provided that the Council may increase the expenditure limit contained in this section above fifty thousand dollars (\$50,000) by passage of an ordinance receiving a two-thirds affirmative vote of the Council. Except as provided in divisions (b) and (c) of this section,** when so authorized and directed, the director of the department involved shall make a written contract with the lowest and best bidder after advertisement once a week for two consecutive weeks in the City Record.

(b) When authorized by ordinance passed by the Council and in accordance with the **applicable** laws, competitive bidding and advertisement are not required for the City to **enter into** contracts for the purchase of supplies, services, materials and equipment **through employment of cooperative purchase arrangements with other governmental agencies.**

(c) **When authorized by ordinance passed by the Council, competitive bidding and advertisement are not required for the City to enter into contracts for any purpose for which contracts may be awarded by a municipal corporation without advertisement or competitive bidding under the general laws of the State of Ohio.**

(d) There shall be no splitting of orders to avoid the effect of this section, and any contract made contrary to or in evasion of the provisions of this section shall be illegal and void.

§ 167 Public Improvements

Public improvements of all kinds may be made by the appropriate department, either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let to the lowest responsible bidder after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract con-

taining a guaranteed maximum and stipulating that the City shall pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractor. **Public improvements may also be made by combining the design professional contract with the public improvement contract, in a manner similar to a design-build or engineer, procure, construct (EPC) contract, and be awarded on the basis of the best proposal, taking into consideration the engineering and design, the construction method(s), the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and the construction firm(s), and the other objectives of the project.**

The Council shall by ordinance determine by which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the City to be exacted in like sum for every day of delay beyond a specified date.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Sections 108 and 167 of the Charter of the City of Cleveland be amended to provide that contracts in excess of \$50,000 must be authorized by ordinance of Council; that the Council may increase this amount by a two-thirds affirmative vote; that competitive bidding is not required for cooperative purchase agreements with other governmental agencies and when the Council

so authorizes for purposes that the state authorizes for other cities; and that public improvements may be made by combining the design professional contract with the public improvement contract and be awarded on the basis of the best proposal?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Howse, Johnson, Keane, Kelley, Mitchell, Pierce Scott, Reed, Santiago, Turner, Westbrook, White, Zone.

Those voting nay: Council Member Polensek.

Ord. No. 1319-08.

By Council Members Cleveland, Kelley, Johnson and Coats.

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 121, 126, 130 of the Charter of the City of Cleveland and to enact new Section 131-1 relating to Cleveland's civil service system.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore,

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 121, 126 and 130 and enacting new Section 131-1 to read as follows:

§ 121 Appeal to Civil Service Commission

Any person in the classified service, who is suspended for more than **three (3) days, demoted, or dismissed** from the service of the City, may **file a written** appeal from the decision to the Civil Service Commission within ten days from and after the date of the suspension, **demotion, or dismissal.** The director of the department involved, upon notice from the Commission of the appeal, shall transmit to the Commission a copy of the charges and

proceedings. The Commission shall **set the appeal for hearing** within **thirty** days from and after the filing of the same with the Commission, and may affirm, disaffirm or modify the judgment of the director, and the judgment of the Commission in the matter shall be final.

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

(a) All officers elected by the people.

(b) All directors and assistant directors of departments.

(c) The Clerk of Council.

(d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.

(e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.

(f) The secretary to the mayor and one secretary for each director of a department.

(g) **Executive Assistants** to the Mayor and **Special Assistants to the Mayor**, provided, however, that there shall be no restrictions as to their duties or assignments.

(h) **Temporary employees for a period not to exceed ninety (90) days and seasonal employees for a period not to exceed one hundred and eighty (180) days.**

(i) Students enrolled in a recognized **educational institution** and in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.

(j) School crossing guards.

(k) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the **general labor class.**

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The noncompetitive class shall include all positions requiring **specialized training, or skills requiring certifications or licensure, and** qualifications of a scientific, **business, managerial, professional or educational character,** as may be determined by the Commission. **The fitness of applicants in the non-competitive class shall be based on the applicant's knowledge, skills and abilities relative to the qualifications for the position.**

(c) The **general labor class** shall include **semi-skilled and unskilled labor positions** for which it is impractical to give competitive tests. **The positions shall be filled from a registration list established and maintained by the Commission.** The Commission shall register appli-

cants for positions in the **general** labor class either continuously or at times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of registration shall determine an applicant's place on the **registration** list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission.

§ 130 Eligible Lists; Temporary Appointments

Eligible lists created by the Commission shall remain in force not longer than two years. In the absence of an appropriate eligible list, any place may be filled temporarily, without test, for the period limited by the civil service rules, but not exceeding **one year**. During such period the Commission shall hold the necessary tests for filling any such place permanently. With the consent of the Commission, persons may be temporarily employed for transitory work without test, but no such employment shall continue for more than sixty days, or be renewed.

§ 131-1 Employees Hired Without Test before August 6, 2008

Employees in the classified service who were hired in their current position on or before August 6, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test. Any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City of Cleveland and rules promulgated by the Commission.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of

the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall various sections of the Charter of the City of Cleveland related to civil service be amended to (1) allow appeals of employees to the Civil Service Commission from suspensions of more than 3 days and authorize the Commission to set the appeal for hearing within 30 days; (2) provide that the unclassified service shall include assistant directors of departments, executive and special assistants to the Mayor, temporary employees for a period not to exceed 90 days, seasonal employees for a period not to exceed 180, and students enrolled in any recognized educational institution; (3) provide that the non-competitive class shall include all positions requiring specialized training, or skills requiring certifications or licensure, and qualifications of a scientific, business, managerial, professional or educational character, as determined by the Commission and that fitness of applicants in the non-competitive class shall be based on the applicant's knowledge, skills and abilities relative to the qualifications for the position; (4) rename the ordinary unskilled labor class as the general labor class that includes semi-skilled and unskilled labor positions for which it is impractical to give competitive tests and that vacancies in the general labor class shall be filled from the registration list containing qualified applicants provided to the appointing authority by the Commission; (5) provide that in the absence of an eligible list, any position in the competitive service may be filled temporarily, without test, for a period not to exceed one year; and (6) grandfather employees hired in their current position on or before August 6, 2008, who have served for 90 consecutive days without test, who meet the qualifications for their position, and who have a satisfactory employment record as regular employees in their position without test, provided that any grandfathered employee is not eligible to apply for any other position in the classified service without test and compliance with all other applicable civil service laws and rules?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 5.

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

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

Ord. No. 1320-08.

By Council Members Cleveland, Kelley, Johnson and Coats.

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 36, 59 and 64 of the Charter of the City of Cleveland relating to the effective date of legislation and referendum.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore,

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 36, 59 and 64 to read as follows:

§ 36 Emergency Measures

All ordinances and resolutions shall be in effect from and after **thirty (30)** days from the date of their passage by the Council except as otherwise provided in this Charter. The Council may by a two-thirds vote of the members elected to the **Council**, pass emergency measures to take effect at the time indicated **in the emergency measure**. An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a Municipal department, in which the emergency is set forth and defined in a preamble. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be so passed.

§ 59 The Referendum

No ordinance passed by the Council, unless it be an emergency measure, shall go into effect until **thirty (30)** days after its final passage by the Council. If at any time within said **thirty (30)** days, a petition signed by electors equal in number to ten percent (10%) of the total vote cast at the last preceding regular Municipal election of the City

be filed with the Clerk of the Council requesting that the ordinance, or any specified part thereof, be repealed or submitted to a vote of the electors, it shall not become operative until the steps indicated herein have been taken. The petition shall be prepared and filed in the manner and form prescribed in the foregoing sections of this Charter for an initiative petition for an ordinance.

§ 64 Referendum on Emergency Measures

Ordinances passed as emergency measures for the immediate preservation of the public peace, property, health, or safety and providing for the refinancing of bonds, notes or other securities of the City shall not be subject to referendum. Otherwise, emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in the ordinances. If, when submitted to a vote of the electors of the City, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but the measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

**PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Sections 36, 59 and 64 of the Charter of the City of Cleveland be amended to provide that legislation

shall be in effect from and after thirty days following passage, a referendum petition may be filed within the thirty-day period, and no referendum may be brought on ordinances passed as emergency measures for the immediate preservation of the public peace, property, health, or safety and providing for the refinancing of bonds, notes or other securities of the City?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

**Ord. No. 1321-08.
By Council Members Cleveland, Kelley, Johnson and Coats.**

An emergency ordinance authorizing the submission to the electors of the City of Cleveland of a proposal to amend Sections 25 and 25-1 of the Charter of the City of Cleveland relating to dividing the City into wards and reapportionment.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at the general election to be held on November 4, 2008, and providing for the usual daily operation of municipal departments; now therefore,

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

Section 1. That this Council authorizes the submission to the electors of the City of Cleveland at a general election to be held at the usual places of voting in the City of Cleveland on Tuesday, November 4, 2008, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 25 and 25-1 to read as follows:

§ 25 Dividing the City into Wards
The Council not later than **April 1, 2009**, shall redivide the City into wards based on the City's population as of **February 15, 2009** as determined by estimated population figures compiled by the U.S. Census Bureau or other reliable source as determined by the Council as of that date. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that reflects a ratio of one ward for every 25,000 people based on the estimated population figures:

If the City's population is:

The City shall be divided into the following number of wards:

More than 575,000 25
575,000 or less but more than 525,000 23
525,000 or less but more than 475,000 21
475,000 or less but more than 425,000 19
425,000 or less but more than 375,000 17
375,000 or less but more than 325,000 15
325,000 or less but more than 275,000 13
275,000 or less 11

The wards so formed shall be as nearly equal in population as may be fair and equitable, composed of contiguous and compact territory, and bounded by natural boundaries or street lines. When any territory is annexed to the City the Council shall by ordinances declare it a part of the adjacent ward or wards.

If the Council fails or neglects to redivide the City into wards by **April 1, 2009**, the Mayor shall within 7 days thereafter submit to Council the plan for redividing the City into wards using the above table to determine the number of wards, which division plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as provided in Section 25-1.

The members of Council to be elected under the terms herein shall be elected at the regular Municipal election on **November 3, 2009**, in accordance with the provisions of Chapter 3 of the Charter of the City of Cleveland. The division of the City into wards existing at the time of the adoption of this amendment shall continue until changed as provided herein.

§ 25-1 Reapportionment of Wards

Commencing with the Federal census decennially taken in the closest proximity to January 1, **2010**, and following each subsequent Federal decennial census the Council within **sixty days** after proclamation by the Secretary of State stating the population of the cities of Ohio as determined by any such Federal census shall reapportion the wards of the City, provided however that if the proclamation occurs in any year when the City conducts a regular Municipal election and the proclamation of the Secretary of State occurs less than 120 days before the date for filing nominating petitions for the election under Charter Section 8, the reapportionment of wards under this section shall not be effective for the regular Municipal election in the year of the proclamation and shall be effective for the next regular Municipal election four years thereafter and all subsequent elections for City offices until the next decennial Federal census. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that re-

flects a ratio of one ward for every 25,000 people based on the estimated population figure contained in the proclamation of the Secretary of State:

If the City's population is:

The City shall be divided into the following number of wards:

More than 575,000	25
575,000 or less but more than 525,000	23
525,000 or less but more than 475,000	21
475,000 or less but more than 425,000	19
425,000 or less but more than 375,000	17
375,000 or less but more than 325,000	15
325,000 or less but more than 275,000	13
275,000 or less	11

The wards so formed shall be as nearly equal in population as may be, composed of contiguous and compact territory, and bound by natural boundaries and street lines.

If the Council fails to reapportion the wards within the sixty day period herein provided, the Mayor shall within fifteen business days thereafter submit to Council a plan for the reapportionment of the wards. The Council shall within ten business days after receiving the Mayor's plan, reapportion the wards as herein provided. If the Council does not reapportion the wards within this latter ten business day period, the reapportionment plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as herein provided.

Section 2. That the foregoing proposed amendment to the Charter, on receiving at least a majority of the votes cast at the November 4, 2008 general election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on November 4, 2008, on the foregoing amendment to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized to cause the full text of the proposed amendment to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the general election to be

held on November 4, 2008, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the amendment shall read as follows:

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Shall Sections 25 and 25-1 of the Charter of the City of Cleveland be amended to provide that, by April 1, 2009, the Council shall redivide the City into wards based on the City's population as of February 15, 2009 as determined by estimated population figures compiled by the U.S. Census Bureau or other reliable source as determined by the Council; that the number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the table contained in the Charter that reflects a ratio of one ward for every 25,000 people based on the estimated population figure; that if the Council does not act by that date, the Mayor shall redivide the City into wards within 7 days thereafter; that, in the future after each decennial Federal census, the Council shall reapportion the City into wards in the same manner to determine the number of wards based on the census figures, provided that if reapportionment occurs in any year when the City conducts a regular Municipal election and the determination of the Census figures occurs less than 120 days before the filing of nominating petitions, then the reapportionment of wards shall be effective for the next regular Municipal election in four years and subsequent elections; and that the Council shall act within 60 days of the determination of the census figures and if the Council does not act by that date, the Mayor shall have 15 business days to reapportion the City into wards?

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 4.

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

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

MOTION

The Council Meeting adjourned at 11:24 a.m. to meet on Monday, September 8, 2008, at 7:00 p.m. in the Council Chambers.

Patricia J. Britt City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

August 27, 2008

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, August 27, 2008, at 10:35 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and 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. 415-08.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 341-08, passed by the Council of the City of Cleveland on April 7, 2008, Active Network Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract to design, configure, install the Software and provide professional services for the implementation of a 311 Call Center for the City of Cleveland, Department of Finance, Division of Information Technology and Services.

Be it further resolved that the Director of Finance is authorized to enter into contract with Active Network Inc. based on its proposal dated May 16, 2008, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for a fee of \$676,380 and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved, that the employment of the following subcontractor by Active Network, Inc. is approved:

ITC - The Institute of Technology
FBE - \$155,980.00 - 23%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 416-08.

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 August, 2008 in the amount of \$1,200.00, attached and made a part of this resolution is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 417-08.

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 August, 2008 in the amount of \$5,309.98, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 418-08.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distributors, Inc., d.b.a. Leader Electric Company, for an estimated quantity of dry cell batteries, for item nos. 1-20, 25, 28-39, for the various divisions of City government, for the period of two years beginning with the date of execution of a contract, received on July 16, 2008, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$31,075.64, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 174846

which shall be certified against the contract in the sum of \$1,554.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 419-08.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on July 16, 2008, for the purchase of an estimated quantity of dry cell batteries, for the various divisions of City government for items nos. 21-24 and 26-27, under the authority of Section 181.101, Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 420-08.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Commercial Door Services, Inc., d.b.a. Cleveland Key Shop, for an estimated quantity of keys, locks and hardware, for all items, for the various divisions of City government, for the period of two years beginning with the date of execution of a contract, received on July 16, 2008, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$120,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 172298A

which shall be certified against the contract in the sum of \$6,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 421-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Kokosing Construction Company, Inc. for the public improvement of the Crown Water Works-Filter and Masonry Rehabilitation Project, including a \$69,800.00 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on July 11, 2008, under the authority of Ordinance No. 270-08, passed May 5, 2008, upon a gross price for the improvement in the aggregate amount of \$767,800.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 422-08.

By Director Smith.

Whereas, under the authority of Ordinance No. 183-07, passed by the Council of the City of Cleveland on March 12, 2007, and Board of Control Resolution No. 561-07, adopted October 10, 2007, the City through its Director of Port Control, entered into City Contract No. 67417 with Unison-Maximus, Inc. ("Unison") to provide concessions consulting services to support the airport-wide concessions development, progress and forecasting for the various divisions of the Department of Port Control; and

Whereas, by its August 6, 2008 letter, Unison notified the City that it has changed its name to Unison Consulting, Inc.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges Unison's change of name from Unison-Maximus, Inc. to Unison Consulting, Inc., effective May 19, 2008, under City Contract No. 67417 to provide concessions consulting services to support the airport-wide concessions development, progress and forecasting for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to complete and execute all documents and do all acts necessary to effect the acknowledgement of such name change with respect to City Contract No. 67417.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 423-08.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1872-07, passed by the Council of the City of Cleveland on December 10, 2007, the firm of

Inland Waters of Ohio, Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary provide emergency spill response for regulatory actions and inspections, environmental and infrastructure conditions requiring specialized immediate response and corrective measures at Cleveland Hopkins International and Burke Lakefront Airports, for a period of two years, with two options to renew for additional one year periods, for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Inland Waters of Ohio, Inc. for the above-mentioned services, based upon its proposal dated May 30, 2008, which contract shall be prepared by the Director of Law, shall provide that the compensation to Inland Waters of Ohio, Inc. for the services authorized shall not exceed \$70,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
Precision Analytical, Inc.	4.29% MBE	\$3,000.00
Samsel Supply Company	7.14% FBE	\$5,000.00

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 424-08.

By Director Smith.

Whereas, under the authority of Ordinance Nos. 930-05, 469-98 and 327-2000, passed June 19, 1995, May 18, 1998 and June 12, 2000, respectively, and Board of Control Resolution No. 555-05, adopted October 5, 2005, the City through its Director of Port Control, entered into Contract No. 64995 with S & E Contracting, Inc., for the public improvement of Phase II Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract B-05-2, for the Division of Cleveland Hopkins International Airport, Department of Port Control; and

Whereas, by its June 26, 2008 letter, S & E Contracting, Inc. requested the City to pay \$11,640.72 of the remaining retainage under City Contract No. 64995 ("Contract") to Cahlik Electric, Inc. for electrical work

performed as a subcontractor for S & E Contracting, Inc. under the Contract and \$5,454.00 to the Department of Building and Housing for the City of Cleveland for permit fees; and

Whereas, City Contract No. 64995 prohibits the assignment of any of the monies due or to become due under the Contract except by consent of the City through resolution of this Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under City Contract No. 64995 this Board consents to the request in S & E Contracting, Inc.'s June 26, 2008 letter to pay \$11,640.72 of the remaining retainage under the Contract to Cahlik Electric, Inc. for electrical work performed as a subcontractor for S & E Contracting, Inc. and \$5,454.00 to the Department of Building and Housing for the City of Cleveland for permit fees.

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 425-08.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of The McLean Company for an estimated quantity of various Wirtgen milling machine parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of three years beginning with the date of execution of a contract, received on June 6, 2008, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$100,000.00 (Net), is affirmed and approved, as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract the following:

Requisition No. 186011 which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 426-08.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Concord Road Equipment

Mfg., Inc. for an estimated quantity of various Meyer snow plow and spreader equipment parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of three years beginning with the date of execution of a contract, received on June 6, 2008, under the authority of Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$90,000.00 (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. 186012 which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 427-08.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Licursi Company, Inc. for an estimated quantity of Citywide Tree Planting Services for base bid, items nos. 1-6, 9, 10, 12, 13, 15-37, 40-58, 60-65, and 68-100, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed one year beginning with the date of execution of a contract, received on July 24, 2008 under the authority of Section 181.101, Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$153,999.50, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for the services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 178826 which shall be certified against the contract in the sum of \$154,000.00.

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

Be it further resolved that the employment of the following subcontractor is approved:

<u>NAME</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Caver Brothers, MBE	\$49,710.00	33%

Yeas: Directors Triozzi, Dumas, Acting Directors Withers, Dangerfield, Directors Wasik, Carroll, Flask, Cox, Rush, Acting Directors Rudman, Thornton, Directors Fumich, Guzman and 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 stated 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, SEPTEMBER 15, 2008

9:30 A.M.

Calendar No. 08-154: 17812 Landseer Road (Ward 11)

Nicholas Underhill, owner, appeals to erect a 24' x 46' two-story kitchen and room addition to a single family dwelling located in an A1 One-Family District, and subject to Section 327.02(e) a proposed consolidation of two individual lots requires approval from the Division of Engineering and Construction; and contrary to Section 355.04(b) a requested maximum gross floor area of 4,881 square feet exceeds 4,600 square feet or 50 percent of the lot size; and a rear yard of 5 feet is requested contrary to 20 feet that is required according to Section 357.08(b)(1) of the Codified Ordinances.

Calendar No. 08-156: 751-53 Lakeview Road (Ward 9)

Terry Maynard and Charlene Hunter, co-owners, appeal to change use of an existing three-story multi-family building to an adult day care facility, located in a Multi-Family District on the east side of Lakeview Road; and the provisions of Section 337.08(e) require that a home for the aged/adult care facility is permitted, provided that the building and accessory uses are not less than 15 feet from any adjoining premises in a Residence District not used for a similar purpose.

Calendar No. 08-159: 4060 East 116th Street (Ward 2)

Number One Grace LLC, owner, appeals to establish use of a 77,500 square foot auto wrecking yard, located on an irregular shaped parcel in a General Industry District on the west side of East 116th Street and Harvard Avenue; contrary to Section 349.04(j) there are 5 parking spaces provided as opposed to a requirement for 39 spaces, based upon 15 percent of the gross lot area, or 11,600 square feet, plus 1 space for each employee that are required.

Calendar No. 08-160: 10801 Meech Avenue (Ward 2)

Dumpsites Unlimited LLC, owner, appeal to establish use for processing and storing of landscaping materials for distribution and sale and a use of the premises for recycling of construction debris material and sale, the proposed uses to be on an acreage parcel located in a General Industry District on the south side of Meech Avenue at 10801 Meech Avenue; where open yard storage of secondhand lumber, other used building material or salvaged articles is permitted, provided that such uses are enclosed within a minimum 7 foot high solid wall or fence as stated in Section 345.04(a)(3); and subject to the limitations of Section 347.05, no space for storage or distribution of stone, sand, or similar dust producing material shall be located less than 300 feet from a residence district, and the proposed use is approximately 125 feet from a One-Family District; and the provisions of Section 347.06(d) limit the storage of junk or other used material to be piled not higher than 3 feet above the height of the enclosure wall or fence; and accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is properly drained within the lot, surfaced with concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash, according to the provisions of Section 349.07(a) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, SEPTEMBER 2, 2008

At the meeting of the Board of Zoning Appeals on Tuesday, Sep-

tember 2, 2008, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 08-150: 3908 Denison Avenue

Eugene J. Giammarco, owner, and Sherry Perry, tenant, appealed to install a 15' x 13' fence enclosed patio in the front of a building in a Local Retail Business District.

Calendar No. 08-83: 15606 St. Clair Avenue

Jimmie Poole, owner, appealed to change use from office and one dwelling unit to a day care for after school activities for 15 children ranging in age from 5 to 15 years in a Local Retail business District.

The following appeals were **Denied:**

Calendar No. 08-152: 2412 Malden Road

Sheryl Parks appealed to change use of a single family dwelling to a day care in a One-Family District.

Calendar No. 08-153: 12612 Beachwood Avenue

Malikah Joseph appealed to expand a single family dwelling to include a Type A day care in a One-Family District.

Calendar No. 08-147: 6020 Fir Avenue

John Farrier appealed to replace and extend the front porch of a house in a Two-Family District.

The following appeal was **Withdrawn:**

Calendar No. 08-53: 464 East 105th Street

Cleveland Steel Tool Company, owner, and Clear Channel Outdoor, tenant, appealed to change an existing billboard to a digital electronic billboard unit in a Semi-Industry District.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

None.

The following appeals heard by the Board on August 25, 2008 were adopted and approved on September 2, 2008.

Calendar No. 08-92: 15404 Kinsman Road

Brett Greer appealed to renovate and add an accessory parking lot to an existing mixed use building in a Local Retail Business District.

Calendar No. 08-151: 2428 St. Clair Avenue

The Amalgamated Transit Union Local 268 appealed to erect a 6 foot high black ornamental metal fence in the front and interior side yards of a parcel in a Semi-Industry District.

The following appeals were **Denied**:

Calendar No. 08-131: 4060 East 116th Street

Number 1 Grace LLC appealed from the decision of the Cleveland Zoning Administrator to deny a Certificate of Occupancy for an auto wrecking yard in a General Industry District.

Calendar No. 08-132: 4524 Broadview Road

Manuel McDonald appealed from a Notice of Violation issued by the Building and Housing Department for failure to comply with Sections 357.14 and 349.13 of the City of Cleveland Zoning Code.

A Request for Rehearing filed on August 29, 2008 was approved and the following appeal will be scheduled for rehearing.

Calendar No. 08-97: 12510 Triskett Road

Triskett Road Storage LLC, owner, and Clear Channel Outdoor, tenant, appealed to change an existing billboard to a digital electronic billboard unit in a Semi-Industry District.

The following appeal dismissed by the Board on August 18, 2008 was reinstated by the Board on August 25, 2008.

Calendar No. 08-112: 10801 Meech Avenue

Dumpsites Unlimited LLC, owner, appealed to establish use for processing and storing of landscaping materials for distribution and sale and a use of the premises for recycling of construction debris material and sale in a General Industry District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the append-

ed 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 1200 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, SEPTEMBER 10, 2008

File No. 184-08 — Roberto Clemente Park Site Improvements,

for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1513-05 and 451-08, passed by the Council of the City of Cleveland, October 17, 2005 and June 9, 2008, respectively.

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, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, SEPTEMBER 4, 2008 AT 11:00 A.M., THE BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

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

File No. 185-08 — West 50th Street Sewer Replacement,

for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 552-08, passed by the Council of the City of Cleveland June 9, 2008.

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, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, SEPTEMBER 4, 2008 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

File No. 186-08 — Highview Avenue Sewer Relief,

for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 551-08, passed by the Council of the City of Cleveland June 9, 2008.

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, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, SEPTEMBER 4, 2008 AT 10:30 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

August 27, 2008 and September 3, 2008

FRIDAY, SEPTEMBER 12, 2008

File No. 187-08 — Maintaining Detention Facilities and Structures,

for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 809-08, passed by the Council of the City of Cleveland June 9, 2008.

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, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 5, 2008 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

File No. 193-08 — Commercial Gases,

for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, SEPTEMBER 5, 2008 AT 3:00 P.M., CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

August 27, 2008 and September 3, 2008

WEDNESDAY, SEPTEMBER 17, 2008

File No. 188-08 — Labor and Materials Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaners Including Appurtenances, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 5, 2008 AT 10:30 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

File No. 189-08 — Snow and Ice Removal at Health Centers (Re-Bid), for the Division of Health Administration, Department of Public Health, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, SEPTEMBER 8, 2008 AT 1:00 P.M., THE McCAFFERTY HEALTH CENTER, 4242 LORAIN AVENUE, CLEVELAND, OHIO 44113.

August 27, 2008 and September 3, 2008

THURSDAY, SEPTEMBER 18, 2008

File No. 190-08 — Large Water Meters, for the Division of Water, 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** THURSDAY, SEPTEMBER 4, 2008 AT 10:30 A.M., THE DISTRIBUTION MAINTENANCE, METER CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

File No. 191-08 — Small Water Meters, for the Division of Water, 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** THURSDAY, SEPTEMBER 4, 2008 AT 10:30 A.M., THE DISTRIBUTION MAINTENANCE, METER CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

File No. 192-08 — 145 KV Outdoor SF6 Power Circuit Breaker for Holton Station, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 556-08, passed by the Council of the City of Cleveland June 9, 2008.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, SEPTEMBER 10, 2008 AT 10:00 A.M., THE CLEVELAND PUBLIC POWER, CENTENNIAL ROOM,

1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

August 27, 2008 and September 3, 2008

WEDNESDAY, SEPTEMBER 24, 2008

File No. 197-08 — Criminal and Civil Filing System, for the Cleveland Municipal Court, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, SEPTEMBER 12, 2008 AT 2:00 P.M., THE CLEVELAND MUNICIPAL CLERK OF COURTS, JUSTICE CENTER, 1200 ONTARIO STREET, LEVEL 2, CLEVELAND, OHIO 44113. **THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

September 3, 2008 and September 10, 2008

FRIDAY, SEPTEMBER 26, 2008

File No. 194-08 — Industrial Paper Products and Cloth Wipes, for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, SEPTEMBER 17, 2008 AT 2:00 P.M., CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. **THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

File No. 195-08 — Plumbing Supplies and Equipment, for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, SEPTEMBER 16, 2008 AT 10:00 A.M., CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. **THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

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

File No. 196-08 — Messenger Services, for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, SEPTEMBER 17, 2008 AT 10:00 A.M., CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 197-08 — Rental of Various Heavy Duty Equipment, Rigging Services and Crane and Hoist Inspection and Maintenance (Groups A-B) (ReBid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1690-07, passed by the Council of the City of Cleveland November 12, 2007.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, SEPTEMBER 11, 2008 AT 10:30 A.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 3, 2008 and September 10, 2008

FRIDAY, OCTOBER 10, 2008

File No. 199-08 — Labor and Materials Necessary to Test, Fuel, Maintain and Repair Off-Road Fossil Fuel Electrical, Pumping and Backup Computer Systems: Part 1: Uninterruptible Power Supply Systems, Backup Generators, Components, Appurtenances, and Specialized Services, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1869-07, passed by the Council of the City of Cleveland December 10, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 19, 2008 AT 2:30 P.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 3, 2008 and September 10, 2008

**ADOPTED RESOLUTIONS
AND ORDINANCES**

NONE

**COUNCIL COMMITTEE
MEETINGS**

NO MEETINGS

Index

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

Board of Control — Burke Lakefront Airport Division

Emergency spill response, environmental and infrastructure conditions — contract per Ord. 1872-07 to Inland Waters of Ohio, Inc. — Dept. of Port Control (BOC Res. 423-08)..... 1757

Board of Control — Cleveland Hopkins International Airport Division

Emergency spill response, environmental and infrastructure conditions — contract per Ord. 1872-07 to Inland Waters of Ohio, Inc. — Dept. of Port Control (BOC Res. 423-08)..... 1757
 Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction (Contract B-05-2) — assign payments — Contract #64995 per BOC Res. 555-05 — Dept. of Port Control (BOC Res. 424-08)..... 1758

Board of Control — Crown Water Works Plant

Filter and Masonry Rehabilitation Project — contract per Ord. 270-08 to Kokosing Construction Company, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 421-08) 1757

Board of Control — Finance Department

311 Call Center software design and installation — contract per Ord. 341-08 to Active Network, Inc. — Division of Information Technology and Services (BOC Res. 415-08) 1756
 Batteries, dry cell — contract per C.O. Sec. 181.101 to Consolidated Electric Distributors, Inc., d.b.a., Leader Electric Company (BOC Res. 418-08)..... 1757
 Batteries, dry cell — per C.O. Sec. 181.101 — bids rejected (BOC Res. 419-08) 1757
 Keys, locks and hardware — contract per C.O. Sec. 181.101 to Commercial Door Services, Inc., d.b.a. Cleveland Key Shop (BOC Res. 420-08) 1757
 Sale of scrap, personal property, and by-products in August 2008 — per BOC Res. 921-52 (BOC Res. 416-08) 1757
 Sale of scrap, personal property, and by-products in August 2008 — per BOC Res. 921-52 (BOC Res. 417-08) 1757

Board of Control — Information Technology and Services Division

311 Call Center software design and installation — contract per Ord. 341-08 to Active Network, Inc. — Dept. of Finance (BOC Res. 415-08) 1756

Board of Control — Motor Vehicle Maintenance Division

Meyer snow plow and spreader equipment parts — contract per C.O. Sec. 131.17 to Concord Road Equipment Mfg., Inc. — Dept. of Public Service (BOC Res. 426-08) 1758
 Wirtgen milling machine parts — contract per C.O. Sec. 131.17 to The McLean Company — Dept. of Public Service (BOC Res. 425-08) 1758

Board of Control — Park Maintenance and Properties Division

Tree planting services — contract per C.O. Sec. 181.101 to Licursi Company, Inc. — Dept. of Parks, Recreation and Properties (BOC Res. 427-08) 1758

Board of Control — Parks, Recreation and Properties Department

Tree planting services — contract per C.O. Sec. 181.101 to Licursi Company, Inc. — Division of Park Maintenance and Properties (BOC Res. 427-08) 1758

Board of Control — Port Control Department

Concessions development, progress and forecasting — acknowledge name change — Contract #67417 per BOC Res. 561-07 (BOC Res. 422-08) 1757
Emergency spill response, environmental and infrastructure conditions — contract per Ord. 1872-07 to Inland Waters of Ohio, Inc. — Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport (BOC Res. 423-08)..... 1757
Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction (Contract B-05-2) — assign payments — Contract #64995 per BOC Res. 555-05 — Division of Cleveland Hopkins International Airport (BOC Res. 424-08) 1758

Board of Control — Professional Service Contracts

311 Call Center software design and installation — contract per Ord. 341-08 to Active Network, Inc. — Division of Information Technology and Services, Dept. of Finance (BOC Res. 415-08) 1756
Concessions development, progress and forecasting — acknowledge name change — Contract #67417 per BOC Res. 561-07 — Dept. of Port Control (BOC Res. 422-08) 1757
Emergency spill response, environmental and infrastructure conditions — contract per Ord. 1872-07 to Inland Waters of Ohio, Inc. — Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 423-08) 1757

Board of Control — Public Improvement Contracts

Crown Water Works Plant Filter and Masonry Rehabilitation Project — contract per Ord. 270-08 to Kokosing Construction Company, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 421-08) 1757
Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction (Contract B-05-2) — assign payments — Contract #64995 per BOC Res. 555-05 — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 424-08) 1758

Board of Control — Public Service Department

Meyer snow plow and spreader equipment parts — contract per C.O. Sec. 131.17 to Concord Road Equipment Mfg., Inc. — Division of Motor Vehicle Maintenance (BOC Res. 426-08) 1758
Wirtgen milling machine parts — contract per C.O. Sec. 131.17 to The McLean Company — Division of Motor Vehicle Maintenance (BOC Res. 425-08) 1758

Board of Control — Public Utilities Department

Crown Water Works Plant Filter and Masonry Rehabilitation Project — contract per Ord. 270-08 to Kokosing Construction Company, Inc. — Division of Water (BOC Res. 421-08) 1757

Board of Control — Purchases and Supplies Division

Sale of scrap, personal property, and by-products in August 2008 — per BOC Res. 921-52
 (BOC Res. 416-08) 1757
 Sale of scrap, personal property, and by-products in August 2008 — per BOC Res. 921-52
 (BOC Res. 417-08) 1757

Board of Control — Requirement Contracts

Batteries, dry cell — contract per C.O. Sec. 181.101 to Consolidated Electric
 Distributors, Inc., d.b.a., Leader Electric Company — Dept. of Finance
 (BOC Res. 418-08) 1757
 Keys, locks and hardware — contract per C.O. Sec. 181.101 to Commercial
 Door Services, Inc., d.b.a. Cleveland Key Shop — Dept. of Finance
 (BOC Res. 420-08) 1757
 Meyer snow plow and spreader equipment parts — contract per
 C.O. Sec. 131.17 to Concord Road Equipment Mfg., Inc. —
 Division of Motor Vehicle Maintenance, Dept. of Public
 Service (BOC Res. 426-08) 1758
 Tree planting services — contract per C.O. Sec. 181.101 to Licursi
 Company, Inc. — Division of Park Maintenance and Properties,
 Dept. of Parks, Recreation and Properties (BOC Res. 427-08) 1758
 Wirtgen milling machine parts — contract per C.O. Sec. 131.17 to
 The McLean Company — Division of Motor Vehicle Maintenance,
 Dept. of Public Service (BOC Res. 425-08) 1758

Board of Control — Water Division

Crown Water Works Plant Filter and Masonry Rehabilitation Project — contract
 per Ord. 270-08 to Kokosing Construction Company, Inc. — Dept. of Public Utilities
 (BOC Res. 421-08) 1757

Board of Elections

Charter of the City of Cleveland — City election process (O 1316-08)..... 1749

Board of Zoning Appeals — Report

Beachwood Avenue, 12612, (Ward 2) — Malukah Joseph, owner and occupant — appeal heard on
 9/2/08 (Cal. 08-153)..... 1759
 Broadview Road, 4524, (Ward 16) — Manuel McDonald, owner — appeal granted and adopted on
 9/2/08 (Cal. 08-132)..... 1760
 Dension Avenue, 3908, (Ward 15) — Eugene J. Giammarco, owner, and Sherry Perry, tenant —
 appeal heard on 9/2/08 (Cal. 08-150) 1759
 East 105th Street, 464, (Ward 8) — Cleveland Steel Tool Company, owner and Clear Channel
 Outdoor, tenant appeal heard on 9/2/08 (Cal. 08-53) 1759
 East 116th Street, 4060, (Ward 2) — Number 1 Grace LLC, owner — appeal granted and
 adopted on 9/2/08 (Cal. 08-131) 1760
 Fir Avenue, 6020, (Ward 17) — John Farrier, owner — appeal heard on 9/2/08
 (Cal. 08-147)..... 1759
 Kinsman Road, 15404, (Ward 3) — Brett Greer, owner — appeal granted and adopted on 9/2/08
 (Cal. 08-92)..... 1759
 Meech Avenue, 10810, (Ward 2) — Dumpsites Unlimited LLC, owner — appeal reinstated on
 9/2/08 (Cal. 08-112)..... 1760
 St. Clair Avenue, 15606, (Ward 11) — Jimmie Poole, owner — appeal heard on 9/2/08
 (Cal. 08-83)..... 1759
 St. Clair Avenue, 2428, (Ward 13) — The Amalgamated Transit Union Local 268,
 c/o Roger Kwiatowski, owner — appeal granted and adopted on 9/2/08
 (Cal. 08-151)..... 1759
 St. Malden Road, 2412, (Ward 10) — Sheryl Parks, owner — appeal heard on
 9/2/08 (Cal. 08-152)..... 1759
 Triskett Avenue, 12510, (Ward 19) — Triskett Road Storage LLC, owner, and
 Clear Channel Outdoor, tenant — appeal granted and adopted on 9/2/08
 (Cal. 08-97)..... 1760

Board of Zoning Appeals — Schedule

East 116th Street, 4060, (Ward 2) — Number One Grace LLC, owner — appeal to be heard on 9/15/2008 (Cal. 08-159)	1759
Lakeview Road, 751-53, (Ward 9) — Terry Maynard and Charlene Hunter, co-owners — appeal to be heard on 9/15/2008 (Cal. 08-156)	1759
Landseer Road, 17812, (Ward 11) — Nicholas Underhill, owner — appeal to be heard on 9/15/2008 (Cal. 08-154)	1759
Meech Avenue, 10801, (Ward 2) — Dumpsites Unlimited LLC, owner — appeal to be heard on 9/15/2008 (Cal. 08-160)	1759

Charter

Charter of the City of Cleveland — City election process (Board of Elections) (O 1316-08)	1749
Charter of the City of Cleveland — Civil Service Commission (O 1319-08)	1753
Charter of the City of Cleveland — Effective date of legislation and referendum (30 day effective date) (O 1320-08)	1754
Charter of the City of Cleveland — Police Review Board (Office of Professional Standards) (O 1317-08)	1752
Charter of the City of Cleveland — Redistricting of Wards (O 1321-08)	1755
Charter of the City of Cleveland — small purchase & design — build — Contracts involving any expenditure in excess of fifty thousand dollars (O 1318-08)	1752

City Council

Charter of the City of Cleveland — Effective date of legislation and referendum (30 day effective date) (O 1320-08)	1754
Charter of the City of Cleveland — Redistricting of Wards (O 1321-08)	1755

City of Cleveland Bids

Combination sewer and catch basins cleaners repair and maintenance — Department of Public Utilities — Division of Water Pollution Control — per C.O. Sec. 181.101 — bid due September 17, 2008 (advertised 8/27/2008 and 9/3/2008)	1761
Commercial gases — Department of Finance — per C.O. Sec. 181.101 — bid due September 12, 2008 (advertised 8/27/2008 and 9/3/2008)	1760
Criminal and Civil Filing System — Department of Finance — behalf of Cleveland Municipal Court — per C.O. Sec. 181.101 — bid due September 24, 2008 (advertised 9/3/2008 and 9/10/2008)	1761
Detention facilities and structures maintenance — Department of Public Utilities — Division of Water Pollution Control — per Ord. 809-08 — bid due September 12, 2008 (advertised 8/27/2008 and 9/3/2008)	1760
Highview Avenue sewer relief — Department of Public Utilities — Division of Water Pollution Control — per Ord. 551-08 — bid due September 10, 2008 (advertised 8/27/2008 and 9/3/2008)	1760
Material handling equipment (industrial trucks, sweepers, scrubbers, aerial lifts, tractors) maintenance and repair (Re-Bid) — Department of Public Utilities — Division of Water Pollution Control — per Ord. 1690-07 — bid due September 26, 2008 (advertised 9/3/2008 and 9/10/2008)	1761
Messenger Services — Department of Finance — per C.O. Sec. 181.101 — bid due September 26, 2008 (advertised 9/3/2008 and 9/10/2008)	1761
Meters, large water — Department of Public Utilities — Division of Water — per Ord. 1630-92 — bid due September 18, 2008 (advertised 8/27/2008 and 9/3/2008)	1761
Meters, small water — Department of Public Utilities — Division of Water — per Ord. 1630-92 — bid due September 18, 2008 (advertised 8/27/2008 and 9/3/2008)	1761
Paper Products and Cloth Wipers — Department of Finance — per C.O. Sec. 181.101 — bid due September 26, 2008 (advertised 9/3/2008 and 9/10/2008)	1761
Plumbing Supplies and Equipment — Department of Finance — per C.O. Sec. 181.101 — bid due September 26, 2008 (advertised 9/3/2008 and 9/10/2008)	1761
Power circuit breaker, 145 kV outdoor SF6 for Holton Station — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 556-08 — bid due September 18, 2008 (advertised 8/27/2008 and 9/3/2008)	1761

Roberto Clemente Park site improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 1513-05, 451-08 — bid due September 10, 2008 (advertised 8/27/2008 and 9/3/2008)	1760
Snow and ice removal at health centers (Re-Bid) — Department of Public Health — Division of Health — per C.O. Sec. 181.101 — bid due September 17, 2008 (advertised 8/27/2008 and 9/3/2008).....	1760
Uninterruptible Power Supply Systems, Generators, Components, Appurtenances — Department of Public Utilities — Division of Water — per Ord. 1869-07 — bid due October 10, 2008 (advertised 9/3/2008 and 9/10/2008)	1761
West 50th Street sewer replacement — Department of Public Utilities — Division of Water Pollution Control — per Ord. 552-08 — bid due September 10, 2008 (advertised 8/27/2008 and 9/3/2008).....	1760
 Civil Service Commission	
Charter of the City of Cleveland (O 1319-08)	1753
 Contracts	
Charter of the City of Cleveland — small purchase & design — build — Contracts involving any expenditure in excess of fifty thousand dollars (O 1318-08)	1752
 Police Review Board	
Charter of the City of Cleveland — (Office of Professional Standards) (O 1317-08)	1752
 Public Improvements	
Charter of the City of Cleveland — small purchase & design — build — Contracts involving any expenditure in excess of fifty thousand dollars (O 1318-08)	1752
 Purchases and Supplies Division	
Charter of the City of Cleveland — small purchase & design — build — Contracts involving any expenditure in excess of fifty thousand dollars (O 1318-08)	1752
 Safety Department	
Charter of the City of Cleveland — Police Review Board (Office of Professional Standards) (O 1317-08)	1752