

The City Record

Official Publication of the Council of the City of Cleveland



October the Twenty-Ninth, 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	Terrell H. Pruitt
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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	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.

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

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

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

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

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

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

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WEDNESDAY, OCTOBER 29, 2008

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CITY COUNCIL

MONDAY, OCTOBER 27, 2008

The City Record

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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2006-2009

MONDAY—Alternating

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

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

11:00 A.M. — **Public Service Committee:** Brady, Chair; Pruitt, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, 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, Keane, Pierce Scott, Westbrook, White, Zone.

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

Monday, October 27, 2008

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

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

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

Pursuant to Ordinance No. 2926-76 prayer was offered by Rev. Jesse Harris, Chaplain, Cleveland Division of Police. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1632-08.

Re #91813960005 — D5, D6 Transfer of Location Application — V S P Lunge, Inc., 3555 East 93rd Street. (Ward 3). Received.

File No. 1633-08.

Re #73935330735 — C1 Transfer of Ownership Application — Riser Foods Company, d.b.a. Buckeye Getgo 3329, 2780 East 116th Street and Gas Pumps. (Ward 6). Received.

File No. 1634-08.

Re #2105702 — C1, C2 Transfer of Ownership Application — East 185th Truckstop, Inc., d.b.a. East 185th Marathon, 1201 East 185th Street. (Ward 11). Received.

File No. 1635-08.

Re #2096352 — D5, D6 Transfer of Ownership Application — Desrer Management, Inc., d.b.a. Tequila Ranch, 1229 West 6th Street, 1st floor and basement. (Ward 13). Received.

File No. 1636-08.

Re #4911257 — D2, D2X, D3, D3A Transfer of Ownership Application — Kufiw, LLC, 2350 Brookpark Road. (Ward 16). Received.

File No. 1637-08.

Re #68403950005 — D1, D2, D3, D3A Transfer of Ownership Application — Donna L. Peters, d.b.a. Peters Pub and Grub, 11621 Lorain Avenue, 1st floor basement. (Ward 19). Received.

File No. 1638-08.

Re #71290450005 — C1, C2 Transfer of Ownership Application — Rif-fat Qadeer, Inc., d.b.a. 7 Eleven 56, 4075 Rocky River Drive. (Ward 21). Received.

CONDOLENCE RESOLUTION

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

Res. No. 1639-08—Rose Nell Penn.

Res. No. 1640-08 — Ernest Jordan, Jr.

Res. No. 1641-08 — Mary Elizabeth Goodwin.

Res. No. 1642-08 — Phillip Daniel Barnes.

Res. No. 1643-08 — William "Bill" Franklin.

CONGRATULATION RESOLUTIONS

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

Res. No. 1644-08—Pat DiBello.

Res. No. 1645-08—Marous Brothers Construction.

Res. No. 1646-08 — The First Czechoslovak Republic — 90th Anniversary

Res. No. 1647-08—RTA Healthline.
Res. No. 1648-08 — East Mt. Zion Baptist Church — 100th Anniversary.

Res. No. 1649-08—Barbara Miller.

RECOGNITION RESOLUTIONS

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

Res. No. 1650-08—Disability Awareness Day.

Res. No. 1651-08—Anna Lark.

Res. No. 1652-08 — Rev. Borys A. Gudziak, Ph.D.

APPRECIATION RESOLUTION

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

Res. No. 1653-08 — Pastor Birce L. Nash.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1612-08.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from United States Department of Homeland Security for the 2008 Buffer Zone Protection Program; authorizing the Director to enter into one or more contracts without competitive bidding with Paladin Protective Systems, Inc. to maintain, repair, and upgrade the existing security system at Crown, Garrett Morgan, and the Nottingham water treatment plants; and authorizing the Director to enter into one or more contracts with the City of Westlake to implement the grant, for the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept a grant in the approximate amount of \$577,090.35, and any other funds that may become available during the grant term from the United States Department of Homeland Security to conduct the 2008 Buffer Zone Protection

Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1612-08-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Paladin Protective Systems, Inc. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Paladin Protective Systems, Inc. to maintain, repair, and upgrade the existing security system at Crown, Garrett Morgan, and the Nottingham water treatment plants during the grant term, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts with or make payments to the City of Westlake to implement the grant as described in the file.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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.

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

Ord. No. 1613-08.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of substation equipment, including but not limited to switchgear, circuit breakers, batteries, fiber optic splicing, and labor and materials necessary to maintain, repair, and replace substation equipment, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of substation equipment, including but not limited to switchgear, circuit breakers, batteries, fiber optic splicing, and labor and materials necessary to maintain, repair, and replace substation equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 184134)

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

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

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

Ord. No. 1614-08.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to research, prepare, and evaluate a strategic development plan for the Harbor, for the Department of Port Control, for a period of two years with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to research, prepare, and evaluate a strategic development plan for the Harbor, including but not limited to, developing financing approaches to fund them, for the Department of Port Control, for a period of two years, with two one-year options to renew. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-300200-632000, Request No. 175231.

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

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

Ord. No. 1615-08.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with KONE, Inc. for labor, equipment, and materials necessary for parts necessary to maintain and repair KONE elevators, escalators, and moving walkways at Cleveland Hopkins International Airport, including labor if necessary, for the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than KONE, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts with KONE, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed two years, with two one-year options to renew for parts necessary to maintain and repair KONE elevators, escalators, and moving walkways at Cleveland Hopkins International Airport, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 175228)

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

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

Ord. No. 1616-08.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2103-04, passed December 13, 2004, relating to professional consultants to provide various environmental services necessary to comply with federal, state and local laws, rules, regulations, and other requirements, to implement and maintain the Environmental Management System; to supplement the ordinance by adding new Sections 2, 3, 4, and 5; and to renumber existing Sections 2 and 3 to new Sections 6 and 7.

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

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

Section 1. That the title and Section 1 of Ordinance No. 2103-04, passed December 13, 2004, is amended to read as follows:

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide various environmental services necessary to comply with federal, state and local laws, rules, regulations, statutes, ordinances, permits, orders, policies and guidance; to acquire licenses and software necessary for the Environmental Management System, including access by additional users, hosting and maintenance services; and authorizing one or more requirement and standard purchase contracts for software, and other necessary services not obtained through the professional services to implement and maintain the system, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to perform professional services necessary to provide various environmental services necessary to comply with federal, state, and local laws, rules, regulations, statutes, ordinances, permits, orders, policies, and guidance, to acquire software licenses and to perform computer implementation and maintenance and website hosting services necessary for the Environmental Management System, including licenses for access by additional users, for a period of two years, with two one-year options to renew. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year

options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the existing title and Section 1 of Ordinance No. 2103-04, passed December 13, 2004, is repealed.

Section 3. That Ordinance No. 2103-04, passed December 13, 2004, is supplemented by adding new Sections 2, 3, 4, and 5 to read as follows:

Section 2. That the Director of Port Control is authorized to make one or more written requirement contracts and written standard contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years, with two one-year options to renew, of the necessary items of software and services necessary to implement and maintain the Environmental Management System, and not obtained under the professional services contract(s) authorized by this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. The first of the one-year options to renew may be exercised by the Director of Port Control only if additional legislative authority is obtained. If such additional legislative authority is granted, the second of the one-year options to renew shall be exercisable at the option of the Director of Port control, without the necessity of obtaining additional authority of this Council. Bids shall be taken in manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

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

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The

Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the Director of Port Control is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 4. That existing Sections 2 and 3 of Ordinance No. 2103-04, passed December 13, 2004, are renumbered to new "Section 6" and "Section 7".

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

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

Ord. No. 1617-08.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a lease agreement with Nehst Creations, LLC, granting access to certain portions of the Convention Center and the Convention Center Garage, for film production purposes.

Whereas, when motion pictures are produced in the City, the City and its people, culture, and landscape are showcased to audiences around the world, which helps bring tourism and international business to the City; and

Whereas, when motion pictures are produced in the City, the local economy benefits; and

Whereas, the motion picture production industry's Final Demand Multiplier for Output is 2.9398 - meaning that every new motion picture production dollar introduced into the region's economy results in an increase of 2.9398 dollars in new demand for goods and services in the local economy; and

Whereas, the motion picture production industry's Direct Effect Multiplier for Earnings is 3.1190 - meaning that each new dollar of motion picture production wages introduced into the region's economy creates 3.1190 dollars in additional income for workers in the local economy; and

Whereas, the motion picture production industry's Final Demand Multiplier for Employment is 19.6 - meaning that the increased demand for goods and services resulting from each million dollars that are spent on producing a motion picture in the City of Cleveland will create 19.6 full time jobs in the local economy; and

Whereas, the motion picture production industry's Direct Effect Mul-

tiplier for Employment is 3.5974 - meaning that each new motion picture production job created in the region will create an additional 3.5974 new jobs in the local economy; and

Whereas, economic development and income and job creation are a vital public purpose; and

Whereas, economic development and income and job creation increase local tax revenue; and

Whereas, the City of Cleveland owns certain property located in the Convention Center and the Convention Center Garage, which are suitable for use and operation by another party for a public purpose; and

Whereas, Nehst Creations, LLC ("Nehst") has proposed to use and operate the property to produce motion pictures; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapter 133 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into a lease agreement with Nehst to use and occupy approximately 17,500 square feet of space located in the Convention Center which is not needed for public use for the term of the lease. The leased space will consist of approximately 3,000 square feet of office space, approximately 5,000 square feet of storage space, approximately 5,000 square feet of multi-purpose space, approximately 2,000 square feet of post space, and approximately 2,500 square feet of mill and paint space; and up to 36 parking spaces in the Convention Center Garage; and portions of Exhibits Halls A, B, C, and D for motion picture production purposes in a manner that does not interfere with conventions or other events taking place at the Convention Center, which are suitable for the use and operation by Nehst for the public purpose of economic development and income and job creation.

Section 2. That, in consideration of the economic impact on the Greater Cleveland economy as reflected in income taxes, sales taxes, transient occupancy taxes, admission taxes and job development, the space shall be leased for \$1.00 and other valuable consideration which is determined to be fair market value.

Section 3. That the term of the lease authorized by this ordinance shall not exceed one year, with annual options to renew exercisable by the Director of Parks, Recreation and Properties until such time as the General Assembly adopts legislation establishing motion picture tax credits.

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

Section 5. That the lease agreement shall be prepared by the Director of Law. The terms of the lease shall include provisions for utility cost, and any additional terms and conditions as are required to protect the interests of the City.

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

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.

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

Ord. No. 1618-08.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 5819 Ellen Avenue, for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Detroit Shoreway Community Development Organization, or its designee, which is not needed for public use.

Whereas, in an effort to expand its partnership with local governments in helping foster housing opportunities for low to moderate income families, the United States Department of Housing and Urban Development (HUD) has introduced the Good Neighbor Program; and

Whereas, the Good Neighbor Program facilitates the sale of aged HUD inventory of single family homes to local governments for One Dollar (\$1.00);

Whereas, the Director of Community Development has notified HUD of its desire to participate in the Program and has requested the purchase of property located at 5819 Ellen Avenue for \$1.00 for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to Detroit Shoreway Community Development Organization, or its designee, (the "Redeveloper") for the public purpose of future redevelopment of the property; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment:

PPN: 002-30-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 72 and 73 in Charles G. Sommers and William B. Winteron's Subdivision of part of Original Brooklyn Township Lot Nos. 49 and 50 as shown by the recorded plat in Volume 2 of Maps, Page 41 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Southerly line of Ellen Avenue, N.W. (30 feet wide) at the Northwesterly corner of a parcel of land conveyed to Steve Horvath and Mari Horvath by deed dated November 2, 1946 and recorded in Volume 6239, Page 339 of Cuyahoga County Records;

Thence Westerly along the Southerly line of Ellen Avenue, N.W., 84.54 feet to a point in the Westerly line of said Sublot No. 73;

Thence Southerly along the Westerly line of said Sublot Nos. 73 and 72, 46.72 feet to the Southwesterly corner of said Sublot No. 72;

Thence Easterly along the Southerly line of said Sublot No. 72, 84.54 feet to the Southwesterly corner of said parcel so conveyed to Steve Horvath and Mari Horvath;

Thence Northerly along the Westerly line of said parcel so conveyed to Steve Horvath and Mari Horvath, 46.73 feet to the place of beginning, be the same more or less but subject to all legal highways.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed \$1.00, and other valuable consideration, determined to be fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 14.

Section 5. That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

Section 6. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for \$1.00, and other valuable consideration, which is determined to be fair market value by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 7. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

Ord. No. 1624-08.

By Council Member Mitchell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 86th Street to Cleveland Housing Network, Inc.

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

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

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Cleveland Housing Network, Inc.

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

P. P. No. 119-30-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as Sublot No. 55 in the A.J. Marsh Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the

recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records, and being 30 feet front on the Westerly side of East 86th Street (formerly Beachwood Street), and extending back 91 feet on the Northernly line, 89.51 feet on the Southernly line and being 30 feet wide in the rear as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to any zoning ordinances, if any.

P. P. No. 119-30-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 56 in A.J. March Trustee's Subdivision of part of Original One Hundred Acre Lot No. 408, as shown by the recorded plat in Volume 18 of Maps, Page 26 of Cuyahoga County Records, and being 33 feet front on the Westerly side of East 86th Street (formerly Beechwood Street), and extending back 91 feet deep on the Southernly line, 92.50 feet on the Northernly line, and being 33 feet wide in the rear as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1625-08.

**By Council Members Pierce Scott and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the Neighborhood Stabilization Program approved under House Bill 3221.**

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept grants from the U. S. Department of Housing and Urban Development (HUD) in the following approximate amount of \$16,143,120 for the purposes set forth in the budgets and according thereto and in compliance with the requirements of Section 2301 of the Housing & Economic Recovery Act of 2008. That the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grants, and that the funds are appropriated for the purposes set forth in the summary for the grants.

Section 2. That the summary for the grant, File No. 1625-08-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

**FIRST READING EMERGENCY
RESOLUTION REFERRED**

Res. No. 1619-08.

**By Council Members Santiago, Brady, Cimperman and Sweeney (by request).
An emergency resolution declaring the intent to vacate a portion of West 29th Street.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 29th Street, as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being a portion of West

29th Street (12 feet wide), extending from the southerly right of way line of Trowbridge Avenue S.W. (50 feet wide), southerly to the northerly right of way line of Woodbridge Avenue S.W. (60 feet wide).

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

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

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

**FIRST READING EMERGENCY
ORDINANCE READ IN FULL
AND PASSED**

Ord. No. 1631-08.

By Council Member Mitchell.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 6. (Timmy Settles).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 6; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in mobile peddling in the public rights of way of Ward 6.

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

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1620-08.

By Council Member Sweeney (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2009; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is outside the 10-mill tax limitation; and

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

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

Section 1. That the amounts and rates as determined by the Budget Commission in its certification are accepted.

Section 2. That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY
TAX APPROVED BY BUDGET COMMISSION
AND COUNTY AUDITOR'S ESTIMATE TAX RATES

Fund	Amount to be Derived From Levies Outside 10-Mill Limitation Column II	Amount Approved By Budget Commission Inside 10-Mill Limitation Column IV	County Auditor's Estimate of Tax Rate To Be Levied	
			Inside 10-Mill Limitation Column V	Outside 10-Mill Limitation Column VI
GENERAL FUND			----	7.75
BOND RETIREMENT FUND			4.35	----
POLICE PENSION FUND			----	0.30
FIRE PENSION FUND			<u>0.05</u>	<u>0.25</u>
TOTAL			<u>4.40</u>	<u>8.30</u>

Section 3. That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

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

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

Res. No. 1621-08.

By Council Member Cummins.

An emergency resolution objecting to a New C1 Liquor Permit at 4270 Fulton Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Son Discount, Inc., 4270 Fulton Road, Cleveland, Ohio 44144, Permanent Number 8374793; and

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

interests of the entire community; and

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement

officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preserva-

tion of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Son Discount, Inc., 4270 Fulton Road, Cleveland, Ohio 44144, Permanent Number 8374793 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1622-08.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 4416-18 Clark Avenue, and repealing Resolution No. 1106-07, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 4416-18 Clark Avenue by Resolution No. 1106-07 adopted by the Council on July 11, 2007; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Huckoby, Inc., DBA Henry's Bar, 4416-18 Clark Avenue, Cleveland, Ohio 44109, Permanent Number 4039011 be and the same is hereby withdrawn and Resolution No. 1106-07, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1623-08.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3355 West 46th Street, and repealing Resolution No. 1224-08, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3355 West 46th Street by Resolution No. 1224-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Verlie Café, Inc., DBA Verlie's, 3355 West 46th Street, Cleveland, Ohio 44102, Permanent Number 9256090 be and the same is hereby withdrawn and Resolution No. 1224-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1626-08.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit at 620 Frankfort Avenue, and repealing Resolution No. 780-08, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to Down River Specialties, Inc., DBA Motion, 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent No. 2289880005 by Resolution No. 780-08 adopted by the Council on May 12, 2008; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Down River Specialties, Inc., DBA Motion, 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent No. 2289880005 be and the same is hereby withdrawn and Resolution No. 780-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1627-08.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue, and repealing Resolution No. 1209-08, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 6501 Denison Avenue by Resolution No. 1209-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 3571080 be and the same is hereby withdrawn and Resolution No. 1209-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1628-08.

By Council Member Reed.

An emergency resolution objecting to the transfer of Liquor License of a D5 and D6 Liquor Permit to 3555 East 93rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 and D6 Liquor Permit from ARA Enterprise, Inc., DBA TKS Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0251410 to V S P Lounge, Inc., 3555 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 91813960005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 and D6 Liquor Permit from ARA Enterprise, Inc., DBA TKS Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0251410 to V S P Lounge, Inc., 3555 East 93rd Street, Cleveland, Ohio 44105, Permanent

Number 91813960005, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1629-08.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a D1 and D2 Liquor Permit at 3203 West 25th Street, and repealing Resolution No. 1222-08, objecting to said renewal.

Whereas, this Council objected to a D1 and D2 Liquor Permit to 3203 West 25th Street by Resolution No. 1222-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D1 and D2 Liquor Permit to 3203 West 25th Street, Inc., DBA Jay's Market, 3203 West 25th Street, Cleveland, Ohio 44109, Permanent Number 8871311 be and the same is hereby withdrawn and Resolution No. 1222-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1630-08.

By Council Member Sweeney.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 13999 Lorain Avenue, and repealing Resolution No. 1250-08, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 13999 Lorain Avenue by Resolution No. 1250-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to D & S Auto Sales, DBA Normandy Tavern, 13999 Lorain Avenue, Cleveland, Ohio 44135, Permanent Number 1883154 be and the same is hereby withdrawn and Resolution No. 1250-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

MOTION

By Council Member White, seconded by Council Member Cummins and unanimously carried that the absence of Council Members Joe Cimperman and Zachary Reed is hereby authorized.

MOTION

The Council Meeting adjourned at 7:35 p.m. to meet on Monday, November 10, 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

October 22, 2008

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 22, 2008, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director 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. 512-08.

By Interim Director Withers.

Whereas, under the authority of Ordinance No. 1080-99, passed by the Cleveland City Council on May 22, 2000, and Board of Control Resolution No. 808-00, adopted December 6, 2000, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. 57651 with Montgomery Watson Americas, Inc. to provide implementation consultant services for the Citywide Geographic Information System Program, for the various divisions of City Government; and

Whereas, LIDAR Analyst Extension software is necessary to enhance the Citywide Geographic Information System software by providing the capability to analyze terrain and elevation data and build 3D models of the City's landscape; now therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under division (b) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, Environmental Systems Research Institute, Inc. (ESRI) is selected upon the nomination of the Director of Public Utilities, as the firm to be employed by contract to provide LIDAR Analyst Extension software to the Division of Water to permit the City's GIS staff to analyze terrain and elevation data and build 3D models of the City's landscape.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Environmental Systems Research Institute, Inc., based on its proposal dated August 4, 2008, to acquire a license for the LIDAR Analyst Extension software, for an aggregate fee not exceeding \$13,370.00.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 513-08.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the

bid of Terry The Plumber, Incorporated, for an estimated quantity of services required to repair replace and install plumbing equipment and lines, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years, beginning with the date of execution of a contract, received on July 18, 2008, under the authority of Ordinance No. 1927-07, passed December 10, 2007, which on the basis of the estimated quantity would amount to \$160,000.00 (5%, 10 Days), is approved as the lowest and best bid, and the Director of Public Utilities 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 following:

Requisition No. 184132

which shall be certified against the contract in the sum of \$25,000.00.

The requirement contract shall further provide that the Contractor will 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 Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 514-08.

By Director Wasik.

Whereas, Ordinance No. 988-07, passed by the Council of the City of Cleveland on July 11, 2007, as amended by Ordinance Nos. 1273-07 and 638-08, respectively passed by the Council of the City of Cleveland on August 8, 2007 and June 2, 2008, authorized the Director of Public Service ("Director") to make at least two contracts for the six-month lease of a total of twelve cart tipper systems, without competitive bidding, from lessors chosen by the Board of Control and to purchase the leased cart tipper systems, upon the termination of their respective leases for a price to be determined by the Board of Control; and

Whereas, under Resolution No. 477-07, adopted August 22, 2007, this Board chose McNeilus Truck and Manufacturing, Inc. as a lessor for a cart tipper system and the Director of Public Service entered into City Contract No. 67264 with McNeilus Truck and Manufacturing, Inc. for a six-month lease of two (2) McNeilus cart tipper systems; and

Whereas, the lease with McNeilus Truck and Manufacturing, Inc., Contract No. 67264, has expired, and the City desires to purchase the leased cart tipper systems; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 988-07, passed by the Cleveland City Council on July 11, 2007, as amended by Ordinances Nos. 1273-07 and 638-08, respectively passed by the Cleveland City Council on August 8, 2007 and June 2, 2008, the price for

the purchase of two (2) McNeilus cart tipper systems, model #Tipper-SSP-3, leased from McNeilus Truck and Manufacturing, Inc. under Board of Control Resolution No. 477-07, adopted August 22, 2007, is determined to be \$5,300.00, and the Director of Public Service is requested to enter into a purchase contract for the equipment.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 515-08.

By Director Wasik.

Whereas, Ordinance, No. 988-07, passed by the Council of the City of Cleveland on July 11, 2007, as amended by Ordinance Nos. 1273-07 and 638-08, respectively passed by the Council of the City of Cleveland on August 8, 2007 and June 2, 2008, authorizes the Director of Public Service ("Director") to make at least two contracts for the six-month lease of a total of twelve cart tipper systems, without competitive bidding, from lessors chosen by the Board of Control and to purchase the leased cart tipper systems upon the termination of the respective leases for a price to be determined by the Board of Control; and

Whereas, under Resolution No. 477-07, adopted August 22, 2007, this Board chose Bell Equipment Company as a lessor for cart tipper systems and the Director of Public Service entered into City Contract No. 67239 with Bell Equipment Company for the six-month lease of four (4) Bayne cart tipper systems; and

Whereas, the lease with Bell Equipment Company Contract No. 67239, has expired, and the City desires to purchase the leased cart tipper systems; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 988-07, passed by the Cleveland City Council on July 11, 2007, as amended by Ordinances Nos. 1273-07 and 638-08, respectively passed by the Cleveland City Council on August 8, 2007 and June 2, 2008, the price for the purchase of four (4) Bayne cart tipper systems, model #BTL-208-12-RHK, leased from Bell Equipment Company under Board of Control Resolution No. 477-07, adopted August 22, 2007, is determined to be \$15,552.00, and the Director of Public Service is requested to enter into a purchase contract for the equipment.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 516-08.

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a

Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 119-26-065, 119-26-066 and 119-26-067, located at East 79th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1012-08 passed October 6, 2008, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Fairfax Renaissance Development Corporation has proposed to the City to purchase and develop the parcels for youth corporation garden; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1012-08 passed October 6, 2008, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel Nos. 119-26-065, 119-26-066 and 119-26-067, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$100.00 each, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 517-08.
By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 015-24-015, located at Denison Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1346-08 passed October 6, 2008, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Robert E. Prunty and Gayle Prunty have proposed to the City to purchase and develop the parcel for yard expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1346-08 passed October 6, 2008, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Robert E. Prunty and Gayle Prunty for the sale and development of Permanent Parcel No. 015-24-015, as described in the Ordinance according to the Land

Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$520.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director Thornton, Directors Fumich, Guzman and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 518-08.
By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 126-02-042, located at Platt Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1013-08 passed October 6, 2008, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Jacqueline L. Parker has proposed to the City to purchase and develop the parcel for yard expansion and fence; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1013-08 passed October 6, 2008, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Jacqueline L. Parker for the sale and development of Permanent Parcel No. 126-02-042, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$400.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors Smith, Wasik, Acting Directors Butler, H. Smith, Directors Cox, Rush, Hutchinson, Acting Director 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 slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 10, 2008

9:30 A.M.

Calendar No. 08-189: 2710 Lorain Avenue (Ward 13)

Maggie Realty LLC and Victor Halm, owner, and Robert Ivanov, lessee, appeal to expand a legal non-conforming restaurant/tavern to a restaurant/tavern with entertainment in a three-story mixed use building, situated on a 33' x 122' parcel in a General Retail Business District; subject to the provisions of Section 359.01(a), the expansion of a nonconforming use requires the Board of Zoning Appeals approval, where the existing establishment was granted a parking variance in Calendar No. 77-151 for a shortage of 38 parking spaces, and pursuant to Section 349.04(e) the proposed bar with entertainment requires parking at three times the gross floor area, or 3,000 square feet multiplied by three, divided by 300 square feet for each space with maneuvering area, or a requirement of 30 spaces; and the proposed use will be less than 500 feet from a school and residence district, contrary to Section 347.12(a)(1) of the Codified Ordinances.

Calendar No. 08-190: 17426 Harvard Avenue, a.k.a. 17476 Harvard Avenue (Ward 1)

B&E Properties, Inc. and Tom Dorsey, appeal to add a patio to an existing restaurant in a one-story building on a 45.84' x 150' corner parcel in a Local Retail Business District; and the provisions in Section 349.04(f) for accessory off-street parking requires one space for each employee, plus one for each 100 square feet of floor area devoted to patron use or one for each four seats based upon maximum seating capacity, whichever is greater; pursuant to Section 349.07(b) such parking spaces shall be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond such parking space

and Section 349.07(c)(3) provides that the maximum width of a driveway shall be 30 feet, and Section 358.10 requires a 6 foot wide frontage landscaping strip on a lot where vehicles are parked over 50 feet of street frontage; and Section 357.14 prohibits the parking of motor vehicles within the established 5 foot side yard setback.

Calendar No. 08-193: 4331 State Road (Ward 16)

Helen Sroka, owner appeals to erect a 32' x 32' garage in the rear of a 42' x 120' corner parcel located in a General Retail Business District; and no landscaping strip is provided where a lot in a General Retail District is required to install a 10 foot wide landscaped transition strip of at least 6 feet high providing 75 percent year-round opacity and separating it from the abutting One-Family District to the rear, contrary to the provisions of Sections 352.08 through 352.12 of the Landscaping and Screening Requirements.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 27, 2008

At the meeting of the Board of Zoning Appeals on Monday, October 27, 2008, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 08-177: 2095 West 81st Street

Greater Cleveland Habitat for Humanity appealed to erect a single family dwelling in a Two-Family District.

Calendar No. 08-182: 7223 Lorain Avenue

Kathleen Benco, owner and Nathaniel Muniz, tenant, appealed to establish use for piercing and tattooing in a two-story building in a Local Retail Business District.

The following appeal was **Denied:**

Calendar No. 08-168: Appeal of Essam Abdalaal and West 117 LLC, d.b.a. Score Bar & Grill

Essam Abdalaal appealed from a disapproved music permit by the recommendation of the Director of Public Safety.

The following appeal was **Withdrawn:**

Calendar No. 08-181: 1700 Columbus Road

Rosemary Vinci appealed to establish use of an existing three-story building as a game or billiard hall in a General Industry District.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

None.

The following appeals heard by the Board on October 20, 2008 were adopted and approved on October 27, 2008.

The following appeal was **Approved:**

Calendar No. 08-179: 2675 West 25th Street

Nestle FS, Inc. appealed to construct approximately 234 linear feet of 8 foot high ornamental steel in a Semi-Industry District.

The following appeal was **Denied:**

Calendar No. 08-175: Violation Notice, 806 Literary Road

Sandy Banks, LLC, owner, appealed from a Notice of Violation issued by the Building and Housing Department.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, November 12, 2008 1:00 p.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, November 12, 2008, at 1:00 p.m., to consider the following ordinance now pending in the Council:

Ord. No. 1562-08.
By Council Members Cimperman and Zone.

An emergency ordinance repealing Section 347.02 of the Codified Ordinances of the Cleveland, Ohio, 1976, as amended by Ordinance No. 1470-06, passed December 11, 2006, relating to restrictions on location of stables, poultry enclosures and other enclosures and supplementing the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.02 thereof, relating to restriction on the keeping of farm animals and bees.

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

Joseph C. Cimperman
Chairman
Committee on City Planning

October 29, 2008 and November 5, 2008

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, NOVEMBER 12, 2008

File No. 232-08 — Labor and Material Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaners Including Appurtenances (Re-Bid), 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, MONDAY, NOVEMBER 3, 2008 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

File No. 239-08 — Digital Video Archiving Playout System, for the Division of Cable TV-23, Department of Public Utilities, as authorized by Ordinance No. 1799-07, passed by the Council of the City of Cleveland, December 10, 2007.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 31, 2008 AT 11:00

A.M., 500 LAKESIDE AVENUE, 3RD FLOOR CONVENTION CENTER, CLEVELAND, OHIO 44114.

October 22, 2008 and October 29, 2008

FRIDAY NOVEMBER 14, 2008

File No. 228-08 — Purchase of Various Ingersoll-Rand Air Compressors Equipment Parts and Labor (Re-Bid), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, NOVEMBER 3, 2008 AT 11:30 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 229-08 — Diesel Fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, NOVEMBER 3, 2008 AT 10:30 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 234-08 — Semi-Automatic Pistols, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 646-92, passed by the Council of the City of Cleveland, June 1, 1992.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 31, 2008 AT 10:00 A.M., THE OUTDOOR RANGE, 3700 WEST 58TH STREET, CLEVELAND, OHIO 44102.

File No. 235-08 — Plow Blades and Curb Bumpers, for the Division of Streets, Department of Public Service, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, OCTOBER 30, 2008 AT 11:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF STREETS, CONFERENCE ROOM 25, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 22, 2008 and October 29, 2008

WEDNESDAY, NOVEMBER 19, 2008

File No. 241-08 — Secondary Sites Improvements — Cycle E, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 810-08, 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 ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S

CHECK AND/OR MONEY ORDER MADE OUT TO THE CITY OF CLEVELAND (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 31, 2008 AT 10:00 A.M., THE PUBLIC UTILITIES BUILDING, THE DIVISION OF WATER, FIRST FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 22, 2008 and October 29, 2008

THURSDAY, NOVEMBER 20, 2008

File No. 231-08 — Uniforms, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, NOVEMBER 5, 2008 AT 10:00 A.M., THE DIVISION OF PARKING FACILITIES, SECOND FLOOR, 500 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. 233-08 — Tree Trimming Services, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 985-08, passed by the Council of the City of Cleveland, August 6, 2008.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, NOVEMBER 6, 2008 AT 10:00 A.M., THE DIVISION OF CLEVELAND PUBLIC POWER, MAIN OFFICE, 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.

File No. 236-08 — Electric Motors and Pumps (Re-Bid), for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1728-07, passed by the Council of the City of Cleveland, December 12, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 31, 2008 AT 10:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF PROPERTY MANAGEMENT, ROOM 12, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 240-08 — Disposal of Debris at Landfill (Re-Bid), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 344-08, passed by the Council of the City of Cleveland, April 7, 2008.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, NOVEMBER 6, 2008 AT 11:00 A.M., THE DIVISION OF CLEVELAND PUBLIC POWER, MAIN OFFICE, 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.

October 22, 2008 and October 29, 2008

FRIDAY, NOVEMBER 21, 2008

File No. 238-08 — Labor and Materials Necessary to Inspect, Test, Maintain and Repair Elevators, for the Divisions of Water and Cleveland Public Power, 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, NOVEMBER 7, 2008 AT 1:30 P.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 22, 2008 and October 29, 2008

WEDNESDAY, DECEMBER 3, 2008

File No. 237-08 — Labor and Materials to Provide Off-Road Fossil Fuel and Supporting Services, for the Various Divisions of Public Utilities, Department of Public Utilities, as authorized by Ordinance No. 1869-07, passed by the Council of the City of Cleveland, December 12, 2007.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 7, 2008 AT 2:30 P.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.

October 22, 2008 and October 29, 2008

FRIDAY, DECEMBER 5, 2008

File No. 230-08 — Neutralization Chemicals, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 14, 2008 AT 2:30 P.M., THE 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.

October 22, 2008 and October 29, 2008

WEDNESDAY, NOVEMBER 13, 2008

File No. 245-08 — CUY US 422-01.69 Resurfacing Project Woodland Avenue (East 34th to East 55th) Kinsman Road (East 55th to East 93rd), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 915-07, passed by the Council of the City of Cleveland, June 11, 2007.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, NOVEMBER 6, 2008 AT 10:00 A.M., THE CLEVELAND CITY HALL, ROOM 518, 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.

October 29, 2008 and November 5, 2008

WEDNESDAY, NOVEMBER 19, 2008

File No. 248-08 — Labor and Material Necessary to Maintain Elevators at the Willard Park Garage, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 7, 2008 AT 2:00 P.M., THE DIVISION OF PARKING FACILITIES, PARKING CONFERENCE ROOM, 500 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.

October 29, 2008 and November 5, 2008

THURSDAY, NOVEMBER 20, 2008

File No. 244-08 — Long Distance Service, for the Divisions of Information Technology and Services and Office of Telecommunications, Department of Finance, as authorized by Ordinance No. 730-08, passed by the Council of the City of Cleveland, May 19, 2008.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 7, 2008 AT 10:30 A.M., THE INFORMATION TECHNOLOGY AND SERVICES, CONFERENCE ROOM, 205 WEST SAINT CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.

October 29, 2008 and November 5, 2008

FRIDAY, NOVEMBER 21, 2008

File No. 242-08 — 15kV Walk-In Switchgear for Lake Road Sub-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**, TUESDAY, NOVEMBER 11, 2008 AT 10:00 A.M., THE CLEVELAND PUBLIC POWER, CONFERENCE ROOM B, 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.

File No. 243-08 — Disposal of Catch Basin Debris, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section No. 129.29 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 7, 2008 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

File No. 246-08 — Ready Mix Concrete, 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**, TUESDAY, NOVEMBER 11, 2008 AT 11:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 247-08 — Industrial Paper Products and Cloth Wipes (Re-Bid), 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**, MONDAY, NOVEMBER 10, 2008 AT 10:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 29, 2008 and November 5, 2008

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1003-08.
By Council Members Brady, Pierce Scott, Cimperman and Sweeney (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for the acquisition and redevelopment and/or rehabilitation of the blighted premises located at 11850 Lorain Avenue, Cleveland, Ohio.

sition and redevelopment and/or rehabilitation of the blighted premises located at 11850 Lorain Avenue, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved and adopted Chapter 324 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the elimination of spot blight; and

Whereas, under Ordinance No. 504-08, passed June 9, 2008, this Council declared the subject property a blighted premises and authorized the Director of Community Development to acquire the blighted premises and to sell the premises to Westown Community Development Corporation, or its designee; and

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

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

Section 1. That for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 11850 Lorain Avenue, through the acquisition and redevelopment and/or rehabilitation, it is necessary to appropriate in fee simple the blighted premises, and the Council declares its intent to appropriate the fee simple interest in and to the following described blighted premises:

P. P. No. 021-22-021

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

Beginning at the intersection of the Northeasterly line of Lorain Avenue (80 feet wide) with the Northeasterly line of West 119th Street; thence Northwesterly 79.65 feet along the said Northeasterly line of West 119th Street to a point; thence Northeasterly 41.71 feet and along the face of a brick wall to a point in the Northeasterly line of said Sublot No. 50 distant Southwesterly 60 feet from the most Northerly corner of said Sublot No. 50; thence Southeasterly 80 feet along the Northeasterly line of said Sublot No. 50 to its intersection with the said Northwesterly line of Lorain Avenue; thence Southwesterly 41.71 feet along the said Northwesterly line of Lorain Avenue to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized and directed to cause written notice of the adoption of this resolution to be given to the owners and persons in possession or having an interest of record in the above-described blighted premises. The notice shall be served

according to law by a person designated for that purpose by the Director of Finance and return shall be made in the manner provided by law.

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

Adopted October 20, 2008.

Effective October 22, 2008.

Res. No. 1592-08.

By Council Member Cleveland.

An emergency resolution objecting to the transfer of stock of a C1 Liquor Permit to 2625 East 55th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a C1 Liquor Permit at 2625 East 55th Gas, Inc., DBA E. 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9116701; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a C1 Liquor Permit at 2625 East 55th Gas, Inc., DBA E. 55th Street Shell, 2625 East 55th Street, Cleveland, Ohio 44104, Permanent Number 9116701, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 20, 2008.

Effective October 22, 2008.

Res. No. 1593-08.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue, and repealing Resolution No. 1035-08, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3232 Lakeside Avenue by Resolution No. 1035-08 adopted by the Council on July 2, 2008; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 2779680 be and the same is hereby withdrawn and Resolution No. 1035-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 20, 2008.

Effective October 22, 2008.

Res. No. 1594-08.

By Council Member Johnson.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 2892 East 116th Street, and repealing Resolution No. 1373-08, objecting to said permit.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 2892 East 116th Street by Resolution No. 1373-08 adopted by the Council on September 8, 2008; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to OM Rudra, Inc., DBA Food Town Supermarket, 2892 East 116th Street, Cleveland, Ohio 44120, Permanent Number 6547027, be and the same is hereby withdrawn and Resolution No. 1373-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 20, 2008.

Effective October 22, 2008.

Res. No. 1595-08.

By Council Member Keane.

An emergency resolution withdrawing objection to the renewal of a C1, C2, D6 Liquor Permit at 14120 Lorain Avenue, and repealing Resolution No. 1206-08, objecting to said renewal.

Whereas, this Council objected to a C1, C2 and D6 Liquor Permit to 14120 Lorain Avenue by Resolution No. 1206-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a C1, C2 and D6 Liquor Permit to Maha-veer, Inc., DBA Ann's Beverage, 14120 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 5453678 be and the same is hereby withdrawn and Resolution No. 1206-08, containing such objection, be and the same

is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 20, 2008.
Effective October 22, 2008.

Res. No. 1596-08.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 4025 East 131st Street and repealing Resolution No. 1216-08, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit at 4025 East 131st Street by Resolution No. 1216-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 4025 East 131st Street, Inc., DBA Lucky's Market, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 2850894, be and the same is hereby withdrawn and Resolution No. 1216-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 20, 2008.
Effective October 22, 2008.

Res. No. 1597-08.

By Council Member Westbrook.

An emergency resolution objecting to the transfer of Liquor License of a D5 Liquor Permit to 7403 Denison Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 Liquor Permit from Kay & Dan, Inc., DBA Hi Ball Inn, 8805 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 4524896 to TR3S 33 Bar & Lounge, LLC, 7403 Denison Avenue, Cleve-

land, Ohio 44102, Permanent Number 8774069; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 Liquor Permit from Kay & Dan, Inc., DBA Hi Ball Inn, 8805 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 4524896 to TR3S 33 Bar & Lounge, LLC, 7403 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 8774069, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 20, 2008.
Effective October 22, 2008.

Res. No. 1598-08.

By Council Member Westbrook.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 11636 Clifton Boulevard, and repealing Resolution No. 1245-08, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 11636 Clifton Boulevard by Resolution No. 1245-08 adopted by the Council on August 6, 2008; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Clifton West 117th, LLC, DBA City Place, 11636 Clifton Boulevard, Cleveland, Ohio 44102, Permanent Number 1557204 be and the same is hereby withdrawn and Resolution No. 1245-08, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 20, 2008.
Effective October 22, 2008.

Ord. No. 1329-08.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 2380-02, passed December 16, 2002, as amended by Ordinance No. 468-04, passed April 26, 2004, and Ordinance No. 1853-06, passed December 11, 2006, relating to contracts for planning studies for the Department of Port Control.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 2380-02, passed December 16, 2002, as amended by Ordinance No. 468-04, passed April 26, 2004, and Ordinance No. 1853-06, passed December 11, 2006, are amended to read as follows:

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed

staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare planning studies, for the various divisions of the Department of Port Control.

The selection of the consultants for the services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance. The contract or contracts authorized shall be for a term or terms of two years with each contract entered into under this ordinance having one option to renew for an additional term or terms of two years and a second option to renew for one additional term or terms not to exceed two years. No contract shall have a term longer than six years in total, consisting of the initial two-year term and the authorized options to renew. The Director of Port Control will notify the Clerk of Council and the Chair of the Aviation Committee whenever an option to renew has been exercised.

Section 2. That the costs for the services contemplated shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 01-300200-632000, and any grants, PFCs or bonds issued for this purpose, Request No. 118280.

Section 2. That existing Sections 1 and 2 of Ordinance No. 2380-02, passed December 16, 2002, as amended by Ordinance No. 468-04, passed April 26, 2004, and Ordinance No. 1853-06, passed December 11, 2006, are repealed.

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

Passed October 20, 2008.

Effective October 22, 2008.

Ord. No. 1426-08.

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

An emergency ordinance to amend Section 12 of Ordinance No. 1629-060, passed December 11, 2006, relating to authorizing the Director of Public Service to apply to the Northeast Ohio Areawide Coordinating Agency for various bridge projects, giving consent of the City

and cooperating with the State regarding these improvements; authorizing professional design services for a new pedestrian bridge to connect Voinovich Park to the Great Lakes Science Center, and accepting State funding.

Whereas, under Ordinance No. 1629-06, passed December 11, 2006, this Council authorized, among other things, the Northeast Ohio Areawide Coordinating Agency to pursue federal economic assistance on behalf of the City of Cleveland for various projects, one of which is completion of the design of the pedestrian bridge connecting Voinovich Park to the Great Lakes Science Center; and

Whereas, under Section 10 of that ordinance, the Director of Public Service was authorized to enter into one or more professional service contracts to complete the design of the new pedestrian bridge; and

Whereas, additional funding is necessary; and

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

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

Section 1. That Section 12 of Ordinance No. 1629-06, passed December 11, 2006, is amended to read as follows:

Section 12. That the cost of the contract or contracts authorized in Section 10 of this ordinance shall be paid from the funds accepted in Section 11 of this ordinance and from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520 (and grant funds), Request No. 175599.

Section 2. That existing Section 12 of Ordinance No. 1629-06, passed December 11, 2006, is repealed.

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

Passed October 20, 2008.

Effective October 22, 2008.

Ord. No. 1501-08.

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

An emergency ordinance authorizing the Director of Port Control to enter into a requirement contract without competitive bidding with Old World Industries, Inc. for liquid deicer, potassium acetate, for the various divisions of the Department of Port Control, for a period concurrent with the term of Contract No. 67616 with Cryotech Deicing Technology, a division of General Atomics International Services Corp.

Whereas, under Ordinance No. 985-07, passed July 11, 2007, and Board of Control Resolution No. 576-07, adopted October 24, 2007, this Council authorized the Director of Port Control to enter into Requirement Contract No. 67616 with Cryotech Deicing Technology, a division of General Atomics International Services Corp., ("Cryotech") to provide liquid deicer, potassium acetate ("PA"), for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, beginning December 4, 2007; and

Whereas, due to a miners' strike in Canada affecting the supply of the main chemical component needed to make PA, Cryotech is unable to deliver the deicing chemical under Contract No. 67616, until the strike is resolved; and

Whereas, for airport operational and safety reasons and because the City is federally required to maintain all taxiways, runways, and ramps free of snow and ice accumulations using FAA and Ohio EPA-approved materials and methods, the City must obtain PA from another source while Cryotech is unable to deliver it; and

Whereas, the Director of Port Control desires to enter into an agreement with Old World Industries, Inc. to supply PA until the miners' strike rendering Cryotech unable to provide the chemical under Contract No. 67616 is resolved and at any time during the Cryotech contract term, including any optional renewal years or extensions, that Cryotech is unable or delayed to supply Port Control's requirements for PA due solely to the causes beyond its control, as expressly provided in Contract No. 67616; and

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

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

Section 1. That this Council determines that an emergency exists being the need to obtain PA deicing chemical for airport operations and safety during winter weather and that liquid deicing chemical, potassium acetate ("PA"), cannot be secured with assurance from any source other than Old World Industries, Inc. Therefore, any provisions of the Charter and the Codified Ordinances to the contrary notwithstanding, the Director of Port Control is authorized to make a written requirement contract with Old World Industries, Inc. for a term coterminous with the term of Contract No. 67616 with Cryotech Deicing Technology, a division of General Atomics International Services Corp., as it may be extended by exercise of any renewal options or by the Director's grant of one or more extension days under the General Conditions of the Cryotech contract, for the Department of Port

Control's requirements for PA, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the various divisions of the Department of Port Control, only until the strike disabling Cryotech from supplying PA is resolved or at any later time during the term that Cryotech is delayed in contract performance by a cause beyond its control, as expressly provided under Contract No. 67616.

Section 2. That the costs of the contract authorized in Section 1 shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 175230)

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

Passed October 20, 2008.
Effective October 22, 2008.

Ord. No. 1561-08.
By Council Members Brady, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Rock and Roll Hall of Fame to provide economic development assistance to partially finance the 2009 Induction Ceremony.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with the Rock and Roll Hall of Fame to provide economic development assistance to partially finance the 2009 Induction Ceremony.

Section 2. That the costs of the grant shall not exceed an amount of \$1,000,000 and shall be paid from Fund No. 17 SF 652, Request No. 185923.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with The Work-

force Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

Passed October 20, 2008.
Effective October 20, 2008.

Ord. No. 1591-08.
By Council Members Westbrook and Sweeney.

An emergency ordinance authorizing the Clerk of Council to make payment for education and training on employer/employee conduct for Cleveland City Council.

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

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

Section 1. That the Clerk of Council is authorized to make payment in the amount of \$5,980.00 to Weston Hurd, LLP for services provided in conducting education and training on employer/employee conduct for Cleveland City Council.

Section 2. That the amount authorized in Section 1 shall be paid from Fund No. 01 SF 001.

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

Passed October 20, 2008.
Effective October 22, 2008.

COUNCIL COMMITTEE MEETINGS

Monday, October 20, 2008
9:30 a.m.

Public Parks, Property and Recreation Committee: Present: Johnson, Chair; White, Vice Chair; Brancatelli, Pruitt, Cummins, Kelley, Polensek.

1:30 p.m.

Joint-Community and Economic Development and Finance Committees: Present in CDED: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Coats, Westbrook, Brady, Zone, Howse.

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

2:00 p.m.

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

Tuesday, October 21, 2008
1:30 p.m.

Employment, Affirmative Action and Training Committee: Present: Coats, Chair; Cummins, Mitchell, Polensek. *Authorized Absence:* Santiago, Vice Chair; Johnson, Conwell.

Wednesday, October 22, 2008
10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Brady, Vice Chair; Mitchell, Polensek, Coats, Kelley, Cummins, Pruitt. *Authorized Absence:* Santiago.

Monday, October 27, 2008
2:00 p.m.

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

Tuesday, October 28, 2008
9:00 a.m.

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

Wednesday, October 29, 2008
10:00 a.m.

Joint-Aviation and Transportation and City Planning Committees: Present: Aviation: Kelley, Chair; Keane, Vice Chair; Brancatelli, Westbrook, Mitchell, Howse, Cleveland.

Present in Planning: Cimperman, Chair; Westbrook, Conwell, Howse, Keane, Zone. *Authorized Absence:* Reed.

1:00 p.m.

City Planning (Zoning) Committee: Present: Cimperman, Chair; Westbrook, Vice Chair; Howse, Zone. *Authorized Absence:* Conwell, Keane, Reed.

1:30 p.m.

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

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O—Ordinance; R—Resolution; F—File
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Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — new pedestrian bridge to connect Voinovich Park to the Great Lakes Science Center (O 1426-08)	2061
W. 29th St. — intention to vacate a portion — City Planning Commission (Ward 14) (R 1619-08)	2050

Utilities Department

Buffer Zone Protection Program 2008 — grant — secure water treatment plants (O 1612-08)	2046
CPP — contracts for substation equipment and switchgear (O 1613-08)	2046

Ward 01

Lark, Anna — recognition (R 1651-08)	2046
Penn, Rose Neil — condolence (R 1639-08)	2045

Ward 03

E. 131st St., 4025 — withdraw objection to renewal — repeal Res. 1216-08 — liquor permits (R 1596-08)	2060
E. 93rd St., 3555 — objection to transfer of Liquor License — liquor permits (R 1628-08)	2053
E. 93rd St., 3555 — transfer of location application — liquor permits (F 1632-08)	2045
Franklin, William " Bill " — condolence (R 1643-08)	2046

Ward 04

E. 116th St., 2892 — withdraw objection to transfer of ownership — repeal Res. 1373-08 —
 liquor permits (R 1594-08)..... **2059**

Ward 05

E. 55th St., 2625 — objection to stock transfer — liquor permits (R 1592-08)..... **2059**

Ward 06

Disability Awareness Day — recognition (R 1650-08)..... 2046
 E. 116th St., 2780 — transfer of ownership application — liquor permits (F 1633-08) 2045
 E. 86th St. — PPN 119-30-054 / 055 — Land Reutilization Program — Cleveland Housing
 Network, Inc. (O 1624-08) 2049
 East Mt. Zion Baptist Church — 100th Anniversary — congratulations (R 1648-08) 2046
 Goodwin, Mary Elizabeth — condolence (R 1641-08) 2045
 Jordan, Jr., Ernest — condolence (R 1640-08) 2045
 Settles, Timmy — peddling — Ward 6 (O 1631-08) 2050

Ward 08

Barnes, Phillip Daniel — condolence (R 1642-08)..... 2046

Ward 10

Nash, Pastor Birce L. — Appreciation (R 1653-08) 2046

Ward 11

E. 185th St., 1201 — transfer of ownership application — liquor permits (F 1634-08) 2045

Ward 12

The First Czechoslovak Republic — 90th Anniversary — congratulations (R 1646-08)..... 2046

Ward 13

Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency —
 new pedestrian bridge to connect Voinovich Park to the Great Lakes
 Science Center (O 1426-08) **2061**
 Frankfort Ave., 620 — withdraw objection to transfer of ownership — repeal Res. 780-08 —
 liquor permits (R 1626-08)..... 2052
 Gudziak, Ph.D, Rev. Borys A. — recognition (R 1652-08) 2046
 Lakeside Ave., 3232 — withdraw objection to renewal — repeal Res. 1035-08 — liquor permits
 (R 1593-08)..... **2059**
 Miller, Barbara — congratulations (R 1649-08)..... 2046
 W. 6th St., 1229 (1st fl. & basement) — transfer of ownership application — liquor permits
 (F 1635-08) 2045

Ward 14

Clark Ave., 4416-18 — withdraw objection to renewal — repeal Res. 1106-07 — liquor permits
 (R 1622-08) 2052
 W. 25th St., 3203 — withdraw objection to renewal — repeal Res. 1222-08 — liquor permits
 (R 1629-08) 2053
 W. 29th St., — intention to vacate a portion — Service Dept. — City Planning Commission
 (R 1619-08) 2050
 W. 46th St., 3355 — withdraw objection to renewal — repeal Res. 1224-08 — liquor permits
 (R 1623-08) 2052

Ward 15

Fulton Rd., 4270 — objection to issuance — liquor permits (R 1621-08) 2051

Ward 16

Brookpark Rd., 2350 — transfer of ownership application — liquor permits (F 1636-08) 2045
 Denison Ave., 6501 — withdraw objection to renewal — repeal Res. 1209-08 — liquor permits
 (R 1627-08) 2052

Ward 17

DiBello, Pat — congratulations (R 1644-08)	2046
Ellen Ave., 5819 — Purchase property from HUD to sell to Detroit Shoreway Community Development Organization (O 1618-08)	2049
Marous Brothers Construction — congratulations (R 1645-08)	2046

Ward 18

Clifton Blvd., 11636 — withdraw objection to renewal — repeal Res. 1245-08 — liquor permits (R 1598-08)	2060
Denison Ave., 7403 — objection to transfer of liquor license — liquor permits (R 1597-08)	2060

Ward 19

Intention to appropriate property at 11850 Lorain Ave. — blighted premises (R 1003-08)	2058
Lorain Ave., 11621 (1st. fl & basement) — transfer of ownership application — liquor permits (F 1637-08)	2045

Ward 20

Lorain Ave., 13999 — withdraw objection to renewal — repeal Res. 1250-08 — liquor permits (R 1630-08)	2053
RTA Healthline — congratulations (R 1647-08)	2046

Ward 21

Lorain Ave., 14120 — withdraw objection to renewal — repeal Res. 1206-08 — liquor permits (R 1595-08)	2059
Rocky River Dr., 4075 — transfer of ownership application — liquor permits (F 1638-08)	2045

Zoning

Relating to restriction on the keeping of farm animals and bees — enacting new Sec. 347.02 (O 1562-08)	2056
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