

# The City Record

Official Publication of the Council of the City of Cleveland



March the Twenty-Second, Two Thousand and Six

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Emily Lipovan**  
City Clerk, Clerk of Council

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner	16204 Sunny Glen Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
 Michael A. House, 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 Counsel, Rm. 106  
 Karen E. Martines, Law Librarian, Room 100

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

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

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

DIVISIONS – 1201 Lakeside Avenue  
 Cleveland Public Power – James F. Majer, 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 – John Mok, Interim 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, Interim Director, Room 113

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

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

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 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  
 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, Interim 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 – \_\_\_\_\_, 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, Interim Commissioner, Room 8  
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road  
 Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Interim 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, Interim 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 – Gregory G. Huth, Interim Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

COMMUNITY RELATIONS BOARD – Room 11, Theasha A. Daniely, Interim Director;  
 Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman;  
 Councilman Kevin Conwell, 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.; \_\_\_\_\_, 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 \_\_\_\_\_, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director \_\_\_\_\_, Law Director Robert J. Triozzi; Councilman \_\_\_\_\_.

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

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

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 \_\_\_\_\_; Council President Martin J. Sweeney; Councilman Dona Brady; Councilman \_\_\_\_\_.

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, MARCH 22, 2006

No. 4815

## CITY COUNCIL

MONDAY, MARCH 20, 2006

### The City Record

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Address all communications to

**EMILY LIPOVAN**

City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

#### MONDAY—Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, March 20, 2006

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

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

Also present were Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valarie J. McCall, Chief of Government Affairs; Maureen Harper, Chief of Communications; Michael A. House, Press Secretary; Debra Linn Talley, Director of Equal Opportunity; Directors Triozzi, Flask, Griffin, Interim Directors Dumas, Wasik, Carroll, Cox, Rush, Rybka, Directors Hutchinson, Fumich, Guzman and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by First Lady Teresa Stevenson of Damascus Road Ministries. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 513-06.

From the Department of Community Development — Community Development Block Grant Year 32 social service funding for the period July 1, 2006 to June 30, 2007 — application. Received.

##### File No. 514-06.

From the Assessment Equalization Board — Sidewalk Assessments/Hearing Report, March 17, 2006. Received.

**The following letters were sent pursuant to requirements of the Ohio Housing Finance Agency.**

##### File No. 515-06.

From the Phillips Wheatley Association, Inc. — Emeritus House Apartments. Received.

##### File No. 516-06.

From McCormack Baron Salazar — Valleyview Phase II. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 517-06.

Re: New Application — 8244208 — Slovenian Workmen's Home, Inc., d.b.a. Slovenc Workmen's Home, 15335 Waterloo Road, first floor and basement. (Ward 11). Received.

##### File No. 518-06.

Re: Transfer of Ownership Application — 6052915 — Miss Debbie, LLC, d.b.a. Victory Lap Café, 6422 Storer Avenue, first floor and basement. (Ward 17). Received.

##### File No. 519-06.

Re: Transfer of Ownership and Location Application — 731530703314 — Revco Discount Drug Centers, Inc. d.b.a., CVS/Pharmacy 3314, 4240 Pearl Road. (Ward 15). Received.

##### File No. 520-06.

Re: Transfer of Ownership and Location Application — 3274601 — Gone Fish, Inc., d.b.a. Lola Bistro, 2058 East 4th Street. (Ward 13). Received.

##### File No. 521-06.

Re: Transfer of Ownership and Location Application — 65916750015 — Ossie, Inc., d.b.a. Woodworth Market, 14625-27 Woodworth Road. (Ward 10). Received.

**OATH OF OFFICE**

**File No. 522-06.**  
Joseph F. Denk — Member of the Board of Building Standards and Building Appeals. Received.

**File No. 523-06.**  
Lori Ashyk — Member of the Citizens Industrial Air Pollution Advisory Committee. Received.

**File No. 524-06.**  
Mark Davis — Member of the Citizens Industrial Air Pollution Advisory Committee. Received.

**File No. 525-06.**  
Christianne Trepal — Member of the Citizens Industrial Air Pollution Advisory Committee. Received.

**File No. 526-06.**  
Rose Bardwell — Member of the Cleveland-Cuyahoga County Port Authority. Received.

**File No. 527-06.**  
Thomas Coffey — Member of the Cleveland Landmarks Commission. Received.

**File No. 528-06.**  
Jennifer Coleman — Member of the Cleveland Landmarks Commission. Received.

**File No. 529-06.**  
Ari Maron — Member of the Cleveland Landmarks Commission. Received.

**File No. 530-06.**  
India Pierce Lee — Member of the Cleveland Landmarks Commission. Received.

**File No. 531-06.**  
John Torres — Member of the Cleveland Landmarks Commission. Received.

**File No. 532-06.**  
Anton Farmby — Member of the Community Relations Board. Received.

**File No. 533-06.**  
Yasir Hamdallah — Member of the Community Relations Board. Received.

**File No. 534-06.**  
John Horton — Member of the Community Relations Board. Received.

**File No. 535-06.**  
Peter Whitt — Member of the Community Relations Board. Received.

**File No. 536-06.**  
India Pierce Lee — Member of the Convention Facilities Authority. Received.

**File No. 537-06.**  
Jon Pinney — Member of the Convention and Visitors Bureau. Received.

**File No. 538-06.**  
Jack Bialosky, Fr. — Member of the Design Review Committee. Received.

**File No. 539-06.**  
Jennifer Coleman — Member of the Design Review Committee. Received.

**File No. 540-06.**  
Bruce Jackson — Member of the Design Review Committee. Received.

**File No. 541-06.**  
Terry Schwartz — Member of the Design Review Committee. Received.

**File No. 542-06.**  
Barbara Williams — Member of the Design Review Committee. Received.

**File No. 543-06.**  
Hector Vega — Member of the Design Review Committee. Received.

**File No. 544-06.**  
Thom Yablonsky — Member of the Design Review Committee. Received.

**File No. 545-06.**  
Kathryn Jackson — Member of the Fair Employment Wage Board. Received.

**File No. 546-06.**  
Leo Serrano — Member of the Greater Cleveland Regional Transit Authority Board of Trustees. Received.

**File No. 547-06.**  
Bob Aber — Member of the Housing Advisory Board. Received.

**File No. 548-06.**  
Carolyn Gaiter — Member of the Housing Advisory Board. Received.

**File No. 549-06.**  
Yvonne Pointer-Triplett — Member of the Minority Arts Fund. Received.

**File No. 550-06.**  
Teodosio Feliciano — Member of the Police Review Board. Received.

**File No. 551-06.**  
Brian Kazy — Member of the Police Review Board. Received.

**File No. 552-06.**  
Clyde Rahman — Member of the Police Review Board. Received.

**STATEMENT OF WORK ACCEPTANCE**

**File No. 553-06.**  
From the Department of Public Service — Contract No. 63480 — Department of Finance — 205 St. Clair (Phase 2) Project. Received.

**File No. 554-06.**  
From the Department of Parks, Recreation and Properties — Contract No. 64628 — Cudell Clock Tower (Phase 2) Project. Received.

**PLATS**

**File No. 356-06.**  
Beach Court and W. 75th Place (Ward 17).  
Approved by Committees on Public Service and City Planning.  
Without objection, plat approved. Yeas 19. Nays 0.

**File No. 357-06.**  
The Cloisters Phase Expansion Property and Replat of Part of Block A1 (Ward 12).

Approved by Committees on Public Service and City Planning.  
Without objection, plat approved. Yeas 19. Nays 0.

**File No. 555-06.**  
Clarence Court Townhomes Subdivision (Ward 13).

Approved by Committees on Public Service and City Planning.  
Without objection, plat approved. Yeas 19. Nays 0.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 556-06**—Jude Paul Kearsey.

**Res. No. 557-06**—Lela Mae Cooke Robinson Ruff.

**Res. No. 558-06**—James William Sessor.

**Res. No. 559-06**—John Fries.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 560-06**—Robert T. Woodworth.

**Res. No. 561-06**—Verb Ballet.

**RESOLUTIONS OF WELCOME**

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

**Res. No. 562-06**—Hon. Judge Yvonne Murphy.

**Res. No. 563-06**—Hon. Judge Adrian Hardiman.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 495-06.**  
**By Council Members Zone and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain, repair, and replace substation equipment, including but not limited to batteries, switchgear, transformers and circuit breakers, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That 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 two years of the necessary items of labor and materials necessary to maintain, repair, and replace substation equipment, including but not limited to batteries, switchgear,

transformers and circuit breakers, 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 two years 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 157804)

**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. 496-06.**

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

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide customer service satisfaction surveys, data collection and reporting.**

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

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

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more

consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide customer service satisfaction surveys, data collection and reporting.

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 improvement authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 150592.

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

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

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

**Ord. No. 497-06.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with Greater Cleveland Partnership to reimburse it for Superior Avenue banners Public Art Project management and engineering services.**

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

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

**Section 1.** That the Director of Public Service is authorized to enter into one or more contracts with Greater Cleveland Partnership to reimburse it for Superior Avenue

banners, Public Art Project management and engineering services.

**Section 2.** That the cost of the contracts shall not exceed \$216,278.65 and shall be paid from Fund Nos. 20 SF 459, 20 SF 396, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500 and 20 SF 506, Request No. 166695.

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

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

**Ord. No. 498-06.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Ace Equipment Sales, Inc. for New Way packer body parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Ace Equipment Sales, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Ace Equipment Sales, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for New Way packer body parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be 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 161622)

**Section 3.** That this ordinance is declared to be an emergency mea-

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

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

**Ord. No. 499-06.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Spartan Motors Chassis, Inc. for Spartan chassis and fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Spartan Motors Chassis, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Spartan Motors Chassis, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Spartan chassis and fire apparatus parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be 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 161621)

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

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

**Ord. No. 500-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of various industrial shop equipment and supplies, for Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of various industrial shop equipment and supplies, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**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 161634)

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

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

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

**Ord. No. 501-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of various vehicle and equipment parts, repairs, or services, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of various vehicle and equipment parts, including lubricants, fluids, paints, tires, batteries, remanufactured transmissions, and other necessary parts; repairs; or services, including labor when necessary, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**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 154350)

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

**Ord. No. 502-06.**

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

**An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the Dock Wall fix under the Innerbelt Bridge; and authorizing the Director of Public Service to enter into any relative agreements.**

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: Remove a portion of the dock wall below the Innerbelt Bridge to clear a potential waterway obstruction (the "Improvement").

**Section 2.** That the City gives its consent to the Improvement and its administration by the State, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

**Section 3.** That the Director of Public Service is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4.** That on completion of the Improvement, the City will:

(a) Keep the affected highway open to traffic at all times;

(b) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands, or other private installations within the limits of the right-of-way;

(d) Place and maintain all traffic control devices under the Ohio Manual of Uniform Traffic Control Devices under the provisions of Section 4511.11 and related sections of the Revised Code; and

(e) Regulate parking by maintaining existing parking restrictions within the limits of the Improvement.

**Section 5.** (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required for the Improvement the State will arrange for its acquisition.

(c) That arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the State.

(d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that the rearrangements shall be done at such time as requested by the State.

(e) That the construction, reconstruction, and rearrangement of all utilities shall be done in a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangement shall be performed under the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the State.

(f) That the City agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

(g) If applicable, that stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the manual are met.

(h) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 6.** That this Council requests the State to proceed with the Improvement.

**Section 7.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 503-06.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a loan contract with JurInnov, Ltd. to assist with equipment acquisition as the Company moves its corporate headquarters into the IdeaCenter building.**

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 contract with JurInnov, Ltd. to assist with equipment acquisition as the Company moves its corporate headquarters into the IdeaCenter building, located at 1375 Euclid Avenue.

**Section 2.** That the costs of said contract shall not exceed Two Hundred Thousand and 00/100 Dollars (\$200,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 103690.

**Section 3.** That the Director of Economic Development is authorized and directed to accept collateral as said director shall deem adequate in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 4.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 5.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and such fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 6.** That the Director of Law is authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

**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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 504-06.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the 2006 Edward Byrne Memorial Justice Assistance Grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$278,241, from the United States Department of Justice to conduct the 2006 Edward Byrne Memorial Justice Assistance 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 application for the grant contained in the file described below.

**Section 2.** That the application for the grant, File No. 504-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

**Section 4.** That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of mobile data computers and related equipment and installation for police vehicles, 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 Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 5.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 6.** That this ordinance is declared to be an emergency mea-

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

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

**Ord. No. 506-06.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours.**

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; and

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours, in an amount not to exceed \$247,511.00, payable from Fund No. 01-700401-638000, Request No. 166584.

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

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

**Ord. No. 507-06.**

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

**An emergency ordinance authorizing and directing the Director of Economic Development to expend Economic Development Initiative Grant funds to extend the terms of a lease with MidTown Associates, LLC.**

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 and directed to enter into and execute all contracts and all necessary documents to expend Economic Development Initiative Grant funds to extend the terms of a lease with Midtown Associates, LLC, for property at 3634 Euclid Avenue, through

December 31, 2006, with two one-year options, for the public purpose of enabling the Empowerment Zone staff to better serve the residents of the Zone by providing easier access to staff and programming.

**Section 2.** That the Director of Economic Development is authorized to expend Economic Development Initiative Grant funds for administration of the Program.

**Section 3.** That the aggregate cost of the contracts and expenditures authorized by this ordinance shall not exceed \$246,000, and shall be paid from Fund No. 18 SF 005, Request No. 126233.

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

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

**Ord. No. 505-06.**

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

**An emergency ordinance to amend Section 135.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 555-02, passed March 25, 2002, relating to the number of persons in the rank of Lieutenant.**

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 135.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 555-02, passed March 25, 2002, is amended to read as follows:

**Section 135.21 Division of Fire**

There is hereby established a Division of Fire in the Department of Public Safety to be administered and controlled by a Fire Chief, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Public Safety.

(a) The Division of Fire shall comprise the fire force of the City and shall consist of the ranks set forth in the table below and not more persons per rank than are designated in such table. Designation of the number of persons in each rank constitutes the maximum authorized strength for the ranks and does not require, and shall not be construed as requiring, the appointment of the number of officers so designated, or of any specific lesser number. All members of the fire force shall be appointed by the Director of Public Safety unless otherwise provided by Charter.



Rank	Not to Exceed
Fire Chief	1
Assistant Fire Chief	7
Battalion Chief	32
Captain	78
Lieutenant	173*
Firefighter	1500

\* plus ten lieutenant positions to be filled only in accordance with the settlement agreement in *Luke v. City of Cleveland*, U.S. District Court Case No. 1:02 CV 1225.

(b) No person holding any of the above ranks in the Division of Fire shall perform any work which is of the same nature as, or included within the duties of, any other classified employee of the City, except as is immediately necessary incident thereto.

(c) The provisions of Section 171.05 to the contrary notwithstanding, commencing January 1, 1981, the Fire Chief shall not be entitled to compensation in money for hours worked on a holiday, or in excess of eight hours per day, or in excess of forty hours during any work week.

**Section 2.** That existing Section 135.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 555-02, passed March 25, 2002, 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.

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.

**Ord. No. 508-06.**

**By Council Member Cleveland.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5 (John Sisamis).**

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 5; 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 peddling in the public rights of way of Ward 5: John Sisamis at 2900 Community College Avenue.

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

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

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

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

The rules were suspended. Yeas 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. 509-06.**

**By Council Member Brancatelli.**  
**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 5509 Fleet Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Good Time Tavern, Inc., DBA Good Time Tavern, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 3290405 to Fleet Pub, LLC, DBA The Village Pub, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2772871; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the trans-

fer of ownership of a D1, D2, D3 and D3A Liquor Permit from Good Time Tavern, Inc., DBA Good Time Tavern, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 3290405 to Fleet Pub, LLC, DBA The Village Pub, 5509 Fleet Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2772871; 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. 510-06.**

**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the transfer of Liquor License of a D5 and D6 Liquor Permit at 1303 West 6th Street, and repealing Resolution No. 2167-05, objecting to said transfer.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 1303 West 6th Street by Resolution No. 2167-05 adopted by the Council on November 21, 2005; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license 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 Rutulian, LLC, 1303 West 6th Street, Cleveland, Ohio 44104, Permanent Number 7634550 be and the same is hereby withdrawn and Resolution No. 2167-05, 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. 511-06.**  
**By Council Member Coats.**  
**An emergency resolution objecting to the transfer of Liquor License of a C2 and C2X Liquor Permit to 14625-27 Woodworth Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 and C2X Liquor Permit from Tops Markets, LLC, DBA Tops, 7300 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 89958630035 to Ossie, Inc., DBA Woodworth Market, 14625-27 Woodworth Road, Cleveland, Ohio, 44112, Permanent Number 65916750015; 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 C2 and C2X Liquor Permit from Tops Markets, LLC, DBA Tops, 7300 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 89958630035 to Ossie, Inc., DBA Woodworth Market, 14625-27 Woodworth Road, Cleveland, Ohio 44112, Permanent Number 65916750015, 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. 512-06.**  
**By Council Member Kelley.**  
**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 6301 Denison Avenue, and repealing Resolution No. 1339-05, objecting to said renewal.**

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 6301 Denison Avenue by Resolution No. 1339-05 adopted by the Council on July 13, 2005; and

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

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

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

**Section 1.** That objection to a D2, D2X, D3 and D3A Liquor Permit to Cross Entertainment, Inc., DBA Great Lakes Tavern, 6301 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 18279480005 be and the same is hereby withdrawn and Resolution No. 1339-05, 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.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1631-05.**

By Council Members White and Jackson (by departmental request).

An emergency ordinance to amend various sections of Part VI of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances, relating to general offenses.

Approved by Finance, Law; Passage recommended by Committees on Legislation, Finance; when amended as follows:

1. In Section 1, at the legislative history for Section 627A.01, line 1, strike "626A.99", insert "**627A.99**".

2. In Section 1, at amended Section 605.06, (b)(1), after "person;" insert "**or**".

3. In Section 1, at amended Section 605.06, (b)(2), line 2, strike "more," and insert "**more; or**".

4. In Section 1, at amended Section 605.07, (b)(1), line 1, after "drill;" insert "**or**".

5. In Section 1, at amended Section 605.071, (b)(1), line 1, after "drill;" insert "**or**".

6. In Section 1, at amended Section 609.04(c), line 2, strike "(A)" and insert "**(a)**"; and in line 7, strike "433.01 or".

7. In Section 1, at amended Section 609.08(d), line 9, strike "court6" and insert "**court**".

8. In Section 1, at amended Section 615.08(d), line 1, strike "arrest, a" and insert "**arrest. A**"; and in line 3, after "degree." insert "**A violation of division (b) of this section is a misdemeanor of the first degree.**".

Amendments agreed to.

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

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

**Ord. No. 2163-05.**

By Council Member Brady.

An emergency ordinance to amend Section 237.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 650-05, passed June 6, 2005, relating to configuration of adult video booths.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Legislation, Finance; when amended as follows:

1. In Section 1, paragraph (b)(12), line 2, delete five-day, and insert "**five consecutive days**".

Amendment agreed to.

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

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

**Ord. No. 2210-05.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 5158 Broadway Avenue to Dr. Javier Lopez.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development, City Planning; Passage recommended by Committee on Finance; when amended as follows:

1. In Section 2, line 3, after "Development" insert "**, at the appraised price of \$130,000,**"; and in line 4, strike "by the Board of Control".

Amendment agreed to.

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

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

**Ord. No. 7-06.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts

with Cuyahoga County for professional services necessary to perform bridge inspections; and to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 131.061 relating to agreements with Cuyahoga County for annual bridge inspections.

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

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

**Ord. No. 109-06.**

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

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 63697, for the West 28th Street/Chatham area sewer project with Fabrizi Trucking Paving Inc., for the Department of Public Utilities.

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

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

**Ord. No. 158-06.**

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

An emergency ordinance authorizing the retention and use of revenue by the general fund from tax remittances collected by Cleveland Public Power during the year 2006, and authorizing Cleveland Public Power to apply any remaining proceeds from previously collected tax remittances and interest thereon.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea: Council Members: Sweeney, Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Reed, Santiago, Turner, Westbrook, White and Zone.

Those voting nay: Council Member Polensek.

Absent: Council Members: Lewis and Pierce Scott.

**Ord. No. 193-06.**

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

An emergency ordinance authorizing the Director of Public Service to enter into a Local Project Administration Agreement with Ohio Department of Transportation to partially fund rehabilitating a portion of St. Clair Avenue; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts to construct the improvement; and to employ one or more professional consultants necessary to design the improvement.

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

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

**Ord. No. 197-06.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with PerceptIS, LLC to provide economic development assistance to partially finance the build-out of a new enterprise service center and to purchase equipment for the facility located at 1228 Euclid Avenue and all other associated costs necessary to redevelop the property.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

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

**Ord. No. 242-06.**

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

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts to conduct a study to determine whether to upgrade or replace the City-wide 800 MHz radio system, including a comprehensive study of the City's needs and a technical and financial feasibility analysis; and authorizing the director to apply for and accept grants and other funds for this purpose.

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

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

**Ord. No. 243-06.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into agreements for the planning and reconfiguration of the City's 800 MHz radio communications system to comply with federal mandates and to provide for the payment of the City's eligible costs by Sprint Nextel.

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

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

**Ord. No. 244-06.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into a "Long-Term Power Purchase Schedule" with AMP-Ohio that includes authorization to prepay and to temporarily or permanently finance all or a portion of the costs of the purchase of the electricity and the related prepayment and financing costs.

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

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

**Ord. No. 245-06.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into a master services agreement with AMP-Ohio to provide for the purchase and sale of wholesale electricity for Cleveland Public Power; and to terminate Contract No. 35162 with AMP-Ohio.

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

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

**Ord. No. 255-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of Urban Forestry maintenance services, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year, with a one-year option to renew.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In the title, line 7, strike ", with a one-year option to renew".

2. In Section 1, strike lines 5, 6, 7, and 8 in their entirety and insert "approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies on a unit".

Amendments agreed to.

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

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

**Ord. No. 290-06.**

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

An emergency ordinance authorizing the issuance of Bonds by the City for the purpose of refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds to obtain debt service savings; authorizing hedge agreements; authorizing a supplemental indenture or an amended and restated indenture and certain other documents related thereto; and authorizing and approving related matters.

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

1. Insert new Section 18 to read as follows:

"Section 18. That the authority granted in this ordinance shall expire on March 31, 2008. If the issuance of authorized Series 2006 Bonds is initiated before March 31, 2008, then the authority granted in this ordinance shall not expire as to that issuance. No issuance of authorized Series 2006 Bonds may be initiated after March 31, 2008."

2. Renumber existing Section 18 to new "Section 19".

Amendments agreed to.

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

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

**Ord. No. 294-06.**

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

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide maintenance and support service for the CCA/MITIS computer system for one year with four one year options to renew.

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

1. In the title, line 6, strike "four" and insert "two".

2. In Section 1, line 5, strike "four" and insert "two".

Amendments agreed to.

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

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

**Ord. No. 303-06.**

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

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

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

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

**Ord. No. 312-06.**

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

An emergency ordinance to supplement Ordinance No. 1504-05, passed August 3, 2005, by adding new Section 8; and to renumber existing Section 8 to new Section 9, relating to the cause payment of the City's share of the bicycle racks and bench seats at various locations in the City to the Ohio Department of Transportation.

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

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

**Ord. No. 313-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of clothing, bedding and shoes for inmates, for the Division of Correction, Department of Public Health.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

**Ord. No. 318-06.**

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

An emergency ordinance to amend Sections 203.02, 209.02, 209.03, 209.04, 209.05, and 209.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances, relating to vacant lots and structures.

Approved by Directors of Public Health, Parks, Recreation and Properties, Finance, Law; Relieved of Committees on Health and Human Services, Public Parks, Property and Recreation, Legislation; Passage recommended by Committee on Finance.

1. In Section 1, at amended Section 209.02(c)(1), line 2, after "Properties" insert ", or its designee,".

2. In Section 1, at amended Section 209.03(b), line 2, after "Properties" insert ", or its designee,".

3. In Section 1, at amended Section 209.04(a), line 2; Section 209.04(b), line 2; and Section 209.04(c), line 5, after "Properties" insert ", or its designee,".

4. In Section 1, at amended Section 209.05(a), line 1, after "Properties" insert "or his designee".

Amendments agreed to.

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

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

**Ord. No. 368-06.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to develop, install and implement an urban forestry tree management software system, and for training, support and maintenance for a one year period, including the acquisition of software licenses if necessary, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

**Ord. No. 370-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to clean the West Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period not to exceed three years.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read

third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 371-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for the purchase of various types of small equipment as needed, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

**Ord. No. 372-06.**

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

An emergency ordinance to supplement Ordinance No. 765-05, passed June 6, 2005, by adding new Section 2 relating to authorizing the Director of Parks, Recreation and Properties to extend the terms of Contract Nos. 57220 and 57291 for the operation of food and beverage service at the City Hall Cafeteria and Convention Center; and to renumber existing Sections 2 and 3 to new Sections 3 and 4.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

**Ord. No. 373-06.**

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2006 Immunization Action Plan Program.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

**MOTION**

By Council Member Zone, seconded by Council Member Conwell and unanimously carried that the absence of Council Members Fannie M. Lewis and Sabra Pierce Scott, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:44 p.m. to meet on Monday, March 27, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

**THE CALENDAR**

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

**Ord. No. 168-06.**

By Council Member Sweeney (by departmental request).

An emergency ordinance to make appropriations for the current expenses of the City of Cleveland for the year 2006.

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2006, the following sums be and they are hereby appropriated viz:

**The sum of Five Hundred Three Million Six Hundred Four Thousand Two Hundred Four Dollars (\$503,604,204) from the General Fund;**

The sum of Fifty Eight Million Seven Hundred Thirty Nine Thousand Three Hundred Sixty Seven Two Dollars (\$58,739,367) from the Special Revenue Funds;

The sum of Twenty Eight Million Eighty Three Thousand Two Hundred Ninety Nine Dollars (\$28,083,299) from the Internal Service Funds;

The sum of Six Hundred Twenty Six Million Four Hundred Fifty Thousand Two Hundred Ninety Eight Dollars (\$626,450,298) from the Enterprise Funds;

The sum of Nine Million Seven Hundred Five Thousand Eight Hundred Fifty Five Dollars (\$9,705,855) from the Trust and Agency Funds;

The sum of Fifty Six Million Seven Hundred Fifty Nine Thousand Two Hundred Sixty One Dollars (\$56,759,261) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 168-06-A, in the aggregate amount for each department as follows:

**GENERAL FUND**

Legislative Branch	\$ 5,906,124
Municipal Court	\$ 35,620,187
Executive Branch	
Office of the Mayor	2,415,555
Department of Public Safety	<b>286,025,841</b>
Community Relations Board	1,258,070
Department of Consumer Affairs	352,140
Department of Public Service	<b>39,107,573</b>
Department of Parks, Recreation & Properties	<b>38,748,612</b>
Urban Planning & Development	<b>17,222,209</b>
Department of Public Health	12,712,607
Department of Aging	632,143
Support Functions	<b>41,514,851</b>
Transfers to Other Funds	22,088,292
<b>TOTAL EXECUTIVE BRANCH</b>	<b>\$ 462,077,893</b>
<b>TOTAL GENERAL FUND</b>	<b>\$ 503,604,204</b>
Special Revenue Funds	\$ 58,739,367
Internal Service Funds	28,083,299
Enterprise Funds	626,450,298
Trust and Agency Funds	9,705,855
Debt Service Funds	56,759,261
<b>TOTAL APPROPRIATIONS FOR 2006</b>	<b>\$1,283,342,284</b>

**GENERAL FUND**

**LEGISLATIVE BRANCH**

Council and Clerk of Council	\$ 5,906,124
I. Personnel and Related Expenses	\$ 4,578,931
II. Other Expenses	1,327,193
<b>TOTAL LEGISLATIVE BRANCH</b>	<b>\$ 5,906,124</b>

## JUDICIAL BRANCH

Municipal Court - Judicial Division		\$	21,760,918
I. Personnel and Related Expenses	\$ 19,269,612		
II. Other Expenses	2,491,306		
Municipal Court - Housing Division		\$	3,122,273
I. Personnel and Related Expenses	\$ 2,964,612		
II. Other Expenses	157,661		
Municipal Court - Clerk's Division		\$	10,736,996
I. Personnel and Related Expenses	\$ 8,599,528		
II. Other Expenses	2,137,468		
TOTAL JUDICIAL BRANCH		\$	<u><u>35,620,187</u></u>

## EXECUTIVE BRANCH

Office of the Mayor		\$	2,415,555
I. Personnel and Related Expenses	\$2,141,665		
II. Other Expenses	273,890		
TOTAL OFFICE OF THE MAYOR		\$	<u><u>2,415,555</u></u>

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$	2,901,324
I. Personnel and Related Expenses	\$ 2,536,819		
II. Other Expenses	364,505		
Division of Police		\$	173,531,991
I. Personnel and Related Expenses	\$162,216,206		
II. Other Expenses	11,315,785		
Division of Fire		\$	85,490,737
I. Personnel and Related Expenses	\$ 81,885,782		
II. Other Expenses	3,604,955		
Division of Emergency Medical Services		\$	23,114,209
I. Personnel and Related Expenses	\$ 20,853,315		
II. Other Expenses	2,260,894		
Division of Dog Pound		\$	<b>987,580</b>
I. Personnel and Related Expenses	\$ <b>811,519</b>		
II. Other Expenses	176,061		
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$	<u><u><b>286,025,841</b></u></u>

## COMMUNITY RELATIONS BOARD

Community Relations Board		\$	1,258,070
I. Personnel and Related Expenses	\$ 1,160,560		
II. Other Expenses	97,510		
TOTAL COMMUNITY RELATIONS BOARD		\$	<u><u>1,258,070</u></u>

## DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$	352,140
I. Personnel and Related Expenses	\$ 296,161		
II. Other Expenses	55,979		
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$	<u><u>352,140</u></u>

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$	522,682
I. Personnel and Related Expenses	\$	506,096	
II. Other Expenses		16,586	
Division of Architecture		\$	697,880
I. Personnel and Related Expenses	\$	661,041	
II. Other Expenses		36,839	
Division of Waste Collection and Disposal		\$	<b>28,337,854</b>
I. Personnel and Related Expenses	\$	<b>14,798,030</b>	
II. Other Expenses		13,539,824	
Division of Engineering and Construction		\$	5,066,993
I. Personnel and Related Expenses	\$	4,653,697	
II. Other Expenses		413,296	
Division of Traffic Engineering		\$	4,482,164
I. Personnel and Related Expenses	\$	3,190,831	
II. Other Expenses		1,291,333	
<b>TOTAL DEPARTMENT OF PUBLIC SERVICE</b>		<b>\$</b>	<b>39,107,573</b>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$	738,318
I. Personnel and Related Expenses	\$	569,686	
II. Other Expenses		168,632	
Division of Research, Planning, and Development		\$	771,449
I. Personnel and Related Expenses	\$	688,749	
II. Other Expenses		82,700	
Division of Recreation		\$	<b>13,153,105</b>
I. Personnel and Related Expenses	\$	<b>9,043,625</b>	
II. Other Expenses		4,109,480	
Division of Parking Facilities-On Street		\$	1,227,927
I. Personnel and Related Expenses	\$	1,171,259	
II. Other Expenses		56,668	
Division of Property Management		\$	<b>9,031,871</b>
I. Personnel and Related Expenses	\$	<b>6,352,482</b>	
II. Other Expenses		2,679,389	
Division of Park Maintenance and Properties		\$	<b>13,825,942</b>
I. Personnel and Related Expenses	\$	<b>8,665,302</b>	
II. Other Expenses		5,160,640	
<b>TOTAL PARKS, RECREATION, AND PROPERTIES</b>		<b>\$</b>	<b>38,748,612</b>

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$	762,669
I. Personnel and Related Expenses	\$	658,323	
II. Other Expenses		104,346	
Director's Office		\$	199,679
I. Personnel and Related Expenses	\$	199,679	
Division of Neighborhood Development		\$	<b>1,005,672</b>
I. Personnel and Related Expenses	\$	<b>785,672</b>	
II. Other Expenses		220,000	
Division of Neighborhood Services		\$	353,855
I. Personnel and Related Expenses	\$	353,855	
<b>TOTAL COMMUNITY DEVELOPMENT</b>		<b>\$</b>	<b>2,321,875</b>

## DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir Office		\$	2,219,387
I. Personnel and Related Expenses	\$	1,677,149	
II. Other Expenses		542,238	
Division of Code Enforcement		\$	7,041,781
I. Personnel and Related Expenses	\$	6,860,328	
II. Other Expenses		181,453	
Division of Construction Permit		\$	1,575,655
I. Personnel and Related Expenses	\$	1,559,505	
II. Other Expenses		16,150	
TOTAL BUILDING AND HOUSING		\$	<u><u>10,836,823</u></u>

## REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$	179,950
I. Personnel and Related Expenses	\$	168,930	
II. Other Expenses		11,020	
Board of Building Standards and Appeals		\$	108,389
I. Personnel and Related Expenses	\$	94,325	
II. Other Expenses		14,064	
Board of Zoning Appeals		\$	221,090
I. Personnel and Related Expenses	\$	198,866	
II. Other Expenses		22,224	
Fair Campaign Finance Commission		\$	2,500
II. Other Expenses	\$	2,500	
TOTAL REGULATORY BOARDS		\$	<u><u>511,929</u></u>

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$	1,041,636
I. Personnel and Related Expenses	\$	968,547	
II. Other Expenses		73,089	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$	<u><u>1,041,636</u></u>
Office of Equal Opportunity		\$	856,547
I. Personnel and Related Expenses	\$	811,349	
II. Other Expenses		45,198	
City Planning Commission		\$	1,653,399
I. Personnel and Related Expenses	\$	1,532,455	
II. Other Expenses		120,944	
TOTAL URBAN PLANNING AND DEVELOPMENT		\$	<u><u>17,222,209</u></u>

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$	750,576
I. Personnel and Related Expenses	\$	675,853	
II. Other Expenses		74,723	
Division of Correction		\$	6,826,105
I. Personnel and Related Expenses	\$	5,191,131	
II. Other Expenses		1,634,974	
Division of Health		\$	3,496,159
I. Personnel and Related Expenses	\$	2,311,177	
II. Other Expenses		1,184,982	



Division of Environment		\$	1,211,058
I. Personnel and Related Expenses	\$	941,633	
II. Other Expenses		269,425	
Division of Air Quality		\$	428,709
I. Personnel and Related Expenses	\$	110,697	
II. Other Expenses		318,012	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$	<u>12,712,607</u>

DEPARTMENT OF AGING

Department of Aging		\$	632,143
I. Personnel and Related Expenses	\$	526,526	
II. Other Expenses		105,617	
TOTAL DEPARTMENT OF AGING		\$	<u>632,143</u>

SUPPORT FUNCTIONS  
FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$	824,731
I. Personnel and Related Expenses	\$	757,271	
II. Other Expenses		67,460	
Division of Accounts		\$	1,854,213
I. Personnel and Related Expenses	\$	1,202,995	
II. Other Expenses		651,218	
Division of Assessments and Licenses		\$	1,732,185
I. Personnel and Related Expenses	\$	1,504,611	
II. Other Expenses		227,574	
Division of Treasury		\$	569,902
I. Personnel and Related Expenses	\$	490,522	
II. Other Expenses		79,380	
Division of Purchases and Supplies		\$	620,138
I. Personnel and Related Expenses	\$	540,251	
II. Other Expenses		79,887	
Bureau of Internal Audit		\$	722,356
I. Personnel and Related Expenses	\$	422,620	
II. Other Expenses		299,736	
Division of Financial Reporting and Control		\$	1,282,028
I. Personnel and Related Expenses	\$	1,124,870	
II. Other Expenses		157,158	
Information Systems Services		\$	3,246,122
I. Personnel and Related Expenses	\$	2,395,421	
II. Other Expenses		850,701	
Information Tech & Planning		\$	302,478
I. Personnel and Related Expenses	\$	290,674	
II. Other Expenses		11,804	
TOTAL DEPARTMENT OF FINANCE		\$	<u>11,154,153</u>
Office of Budget & Management-Budget Admin.		\$	681,834
I. Personnel and Related Expenses	\$	647,759	
II. Other Expenses		34,075	
Department Law		\$	8,518,767
I. Personnel and Related Expenses	\$	6,497,722	
II. Other Expenses		2,021,045	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$	<u>20,354,754</u>

## PERSONNEL ADMINISTRATION

Office of Personnel		\$	1,796,558
I. Personnel and Related Expenses	\$	1,372,991	
II. Other Expenses		423,567	
Civil Service Commission		\$	<b>1,884,623</b>
I. Personnel and Related Expenses	\$	<b>649,880</b>	
II. Other Expenses		1,234,743	
TOTAL PERSONNEL ADMINISTRATION			<u><u><b>\$ 3,681,181</b></u></u>

## NONDEPARTMENTAL

County Auditor Deductions		\$	1,394,000
II. Other Expenses	\$	1,394,000	
Other Administrative		\$	16,084,916
II. Other Expenses	\$	16,084,916	
TOTAL NONDEPARTMENTAL			<u><u>\$ 17,478,916</u></u>
TOTAL SUPPORT FUNCTIONS			<u><u><b>\$ 41,514,851</b></u></u>
Transfers To Other Funds		\$	22,088,292
II. Other Expenses	\$	22,088,292	
TOTAL EXECUTIVE BRANCH			<u><u><b>\$ 462,077,893</b></u></u>
TOTAL GENERAL FUND			<u><u><b>\$ 503,604,204</b></u></u>

## SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$	35,103,702
I. Capital	\$	13,253,702	
II. Debt Service		21,850,000	
Street Construction, Maintenance & Repair Fund		\$	21,635,665
I. Personnel and Related Expenses	\$	14,919,304	
II. Other Expenses		6,716,361	
Schools Recreation & Cultural Activities Fund		\$	2,000,000
II. Other Expenses	\$	2,000,000	
TOTAL SPECIAL REVENUE FUNDS			<u><u>\$ 58,739,367</u></u>

## INTERNAL SERVICE FUND

Information Technology and Services-Telephone Exchange		\$	7,415,922
I. Personnel and Related Expenses	\$	1,063,443	
II. Other Expenses		6,352,479	
Division of Motor Vehicle Maintenance		\$	17,411,397
I. Personnel and Related Expenses	\$	6,471,319	
II. Other Expenses		10,940,078	
Division of Printing and Reproduction		\$	2,263,693
I. Personnel and Related Expenses	\$	812,160	
II. Other Expenses		1,451,533	
City Storeroom and Central Warehouse		\$	992,287
I. Personnel and Related Expenses	\$	79,257	
II. Other Expenses		913,030	
TOTAL INTERNAL SERVICE FUNDS			<u><u>\$ 28,083,299</u></u>

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$	2,174,314
I. Personnel and Related Expenses	\$ 1,609,721		
II. Other Expenses	564,593		
Radio		\$	2,452,644
I. Personnel and Related Expenses	\$ 282,130		
II. Other Expenses	2,170,514		
Division of Fiscal Control		\$	3,344,964
I. Personnel and Related Expenses	\$ 3,094,854		
II. Other Expenses	250,110		
Division of Water		\$	247,417,540
I. Personnel and Related Expenses	\$ 81,569,601		
II. Other Expenses	165,847,939		
Division of Water Pollution Control		\$	24,585,549
I. Personnel and Related Expenses	\$ 10,137,666		
II. Other Expenses	14,447,883		
Division of Cleveland Public Power		\$	162,131,680
I. Personnel and Related Expenses	\$ 28,745,488		
II. Other Expenses	133,386,192		
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$	<u><u>442,106,691</u></u>

DEPARTMENT OF PORT CONTROL

Airports - Operations		\$	152,691,912
I. Personnel and Related Expenses	\$ 25,339,286		
II. Other Expenses	127,352,626		
TOTAL DEPARTMENT OF PORT CONTROL		\$	<u><u>152,691,912</u></u>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$	2,303,191
I. Personnel and Related Expenses	\$ 1,680,045		
II. Other Expenses	623,146		
Golf Course Fund		\$	2,237,698
I. Personnel and Related Expenses	\$ 1,145,413		
II. Other Expenses	1,092,285		
Division of Parking Facilities-Off Street Parking		\$	8,733,496
I. Personnel and Related Expenses	\$ 1,317,350		
II. Other Expenses	7,416,146		
Division of Convention Center		\$	7,495,341
I. Personnel and Related Expenses	\$ 3,920,037		
II. Other Expenses	3,575,304		
Division of Convention Center & Stadium-West Side Market		\$	1,226,465
I. Personnel and Related Expenses	\$ 600,092		
II. Other Expenses	626,373		
Division of Convention Center & Stadium-Stadium		\$	9,577,598
II. Other Expenses	\$ 9,577,598		
Division of Property Management - East Side Market		\$	77,906
I. Personnel and Related Expenses	\$ 56,732		
II. Other Expenses	21,174		
TOTAL PARKS, RECREATION, & PROPERTIES		\$	<u><u>31,651,695</u></u>
TOTAL ENTERPRISE FUNDS		\$	<u><u>626,450,298</u></u>

## AGENCY FUND

Central Collection Agency		\$	9,705,855
I. Personnel and Related Expenses	\$	6,327,612	
II. Other Expenses		3,378,243	
			-----
TOTAL AGENCY FUND		\$	9,705,855
			=====

## DEBT SERVICE FUND

Sinking Fund Commission		\$	56,759,261
I. Personnel and Related Expenses	\$	164,301	
II. Other Expenses		565,428	
III. Debt Service		56,029,532	
			-----
TOTAL DEBT SERVICE FUNDS		\$	56,759,261
			=====

**Section 2.** That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 168-06-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2005 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2006 or prior years. The Mayor's Estimate File No. 168-06-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2006 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

**Section 3.** That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

**BOARD OF CONTROL**

March 15, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 15, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Absent: Director Fumich.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

**Resolution No. 84-06.**

By Interim Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Commercial Door Co., d.b.a. Cleveland Key Shop for an estimated

quantity of keys, locks, and hardware, all items for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on February 16, 2006, under the authority of Ordinance No. 547-05 passed April 11, 2005, which on the basis of the estimated quantity would amount to \$32,500.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161090

which shall be certified against the contract in the sum of \$2,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Direc-

tor Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.

Absent: Director Fumich.

**Resolution No. 85-06.**

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Nerone & Sons, Inc. for the public improvement of the rehabilitation of the waste water system for the sanitary sewer corrections, Lift Station No. 21, pump replacement at Cleveland Hopkins International Airport, base items plus items CA M-1, CA E-1, CA E-2 and Alternate Item 6 (Contingency 15%), for the Division of Cleveland Hopkins International Airport, Department of Port Control, received November 2, 2005 under the authority of Ordinance No. 897-05, passed May 23, 2005, upon a unit basis for the improvement, in the aggregate amount of \$200,470.30, is affirmed and approved as the lowest responsible bid, and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control that the employment of the following subcontractors by Nerone & Sons, Inc. is approved:

Subconsultant	Percentage Amount
DDC + Incorporated	MBE 6.48% \$13,000.00
Julian Supply	FBE 0.90% \$ 1,800.00

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

**Resolution No. 86-06.**

By Interim Director Mok.  
Resolved, by the Board of Control of the City of Cleveland that the bid of The Shelly Company, for asphalt concrete and tack coat, including labor and materials necessary for delivery, spreading and compacting those materials to repair runways, taxiways, ramps and roadways, all items, for the various divisions of the Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on January 25, 2006, under the authority of Ordinance No. 1872-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$399,375.00, is affirmed and approved as the lowest and best bidder, and the Director of Port Control is requested to enter into a requirement contract for such labor and materials necessary, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 158651 which shall be certified against the contract in the sum of \$100,000.00.

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

Be it further resolved by the Board of Control that the following subcontractors to The Shelly Company are approved:

Subcontractors	MBE/FBE% Amount
Cook Paving & Construction	15.02% MBE \$60,000.00
Interstate Safety	5.01% FBE \$20,000.00

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutch-

inson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

**Resolution No. 87-06.**

By Interim Director Mok.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of EnviroCom Construction, Inc., for the public improvement of renovations to the public restrooms in the terminal building at Cleveland Hopkins International Airport, base bid items plus item C-3 (Contingency 10%), for the Department of Port Control, received on February 1, 2006 under the authority of Ordinance No. 359-05, passed May 2, 2005, upon a unit basis for the improvement, in the aggregate amount of \$1,602,700.00, is affirmed and approved as the lowest responsible bid, and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control that the employment of the following subcontractors by EnviroCom Construction, Inc. is approved:

Subcontractors	MBE/FBE% Dollar Amount(s)
Coleman Spohn Corp.	26.20% MBE \$420,900.00
Gratton Building Specialties	.85% FBE \$ 13,600.00
Zoudrello Bros.	5.0% Non \$ 80,000.00
Spectra Title	11.85% Non \$190,000.00
Lakeside Electrical	9.98% Non \$160,000.00
Imperial Heating	3.74% Non \$ 60,000.00
Hayner Wo Probers	2.50% Non \$ 40,000.00

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

**Resolution No. 88-06.**

By Interim Director Wasik.  
Be it resolved by the Board of Control of the City of Cleveland that employment of the following subcontractor by American Landfill, Inc. under the contract authorized by Board of Control Resolution No. 643-05 adopted November 14, 2005, for the transfer and disposal of tires, Contract T, Item 1 for the Division of Waste Collection is approved:

Barnes, Inc.  
(MBE) — 10.96% — \$31,410

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Direc-

tor Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

**Resolution No. 89-06.**

By Interim Director Wasik.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Century Industries, LLC, for an estimated quantity of mobile stages, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on January 11, 2006, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$91,699.00 (2% — Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161618 which shall be certified against the contract in the sum of \$91,699.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

**Resolution No. 90-06.**

By Interim Director Wasik.  
Resolved by the Board of Control of the City of Cleveland that all bids received on August 17, 2005 for transfer and disposal of tires, Items 2, 3 and 4, for the Division of Waste Collection, Department of Public Service under the authority of Ordinance No. 364-05, passed March 28, 2005, be and the same are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

**Resolution No. 91-06.**

By Director Flask.  
Be it resolved by the Board of Control of the City of Cleveland that under Section 181.19(b) of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is directed to offer to sell to each police officer listed below, at fair market value; the ser-

vice revolver bearing the serial number listed to the right of the respective officer's name:

	<u>Serial No.</u>
Berry, Kevin	SW, 6906 TCM3192
Moore, John	SW, 5903 TCZ2302
Barrow, Reginald	SW, 5943 TFK4896
Kelly, Daniel	SW, 5943 TFK5110
Plain, Edward	SW, 5943 TYR6081
Lewis, James	SW, 5943 VCT2656
Morley, David	SW, 5943 TDN7023
Morris, Earl	SW, 5946 TDV5107
Marschall, Paul	SW, 5946 TDN6825
Ross, Wanda	SW, 5943 TVA6851
Mitchell, Zoearn	SW, 5946 VJD4903
Montanaro, Marcus	SW, 5943 TYR6142
Roddy, Luther	SW, 5943 VDM7351
Jones, David	SW, 5943 VHN9256
Boyd, Lori	SW, 5943 TFK5418
Meyer, Michael	SW, 5943 VHN9244
Tinsley, William	SW, 5943 TVB0214
Wier, Joan	SW, 5946 TDN6959
Fox, David	SW, 5943 TFK5418
Freehoffer, John	SW, 5946 VJC9453
Torres, Susan	SW, 5943 TFL6584
Carney, Brian	SW, 5946 TDV5134
Walker, Kevin	SW, 5946 TDP8525
Odum, Michael	SW, 5946 VHM0066
Claudio, Victor	SW, 5946 TDV5120
Browning, John	SW, 5943 TVH6053
Poschner, Norbert	SW, 5943 VCT2650
Ward, Timothy	SW, 5946 TDV5088
Barrow, Kelvin	SW, 5943 TFR5933
Blatnik, Dennis	SW, 6906 TCH4545
Good, Kerry	SW, 5946 TDV4969
Jennings, Nichol	SW, 5943 VHM0443
Williams, Timothy	SW, 5943 VYY5227
Gibbs, Michael	SW, 5946 TDP8599
Garcia, Jose	SW, 5946 TDV4925
Stark, Richard	SW, 5943 VYY5875
Lynch, Xavier	SW, 5943 TFK4956
Olenick, Michael	SW, 5943 TFK4955
Moore, Charles	SW, 5943 VAK5433
Busse, William	SW, 5943 VDM7376
McClain, Kevin	SW, 5943 VJN7485
Stevens, Joe	SW, 5943 TFK4891
Polzello, Angelo	SW, 5943 VHM0321
Lent, Jack	SW, 5943 TVH5945
Zoladz, Gene	SW, 5946 TDN6967
Mixon, Edward	SW, 5943 VHM0435
Potts, Terrance	SW, 5943 TVB0372
Mindek, David	SW, 5943 VYY5899
Walker, William	SW, 5943 TVH482
Piekarczyk, David	SW, 6906 TCV8956
Vargas, Pedro	SW, 5946 TDV5084
Ehrbar, Ronald	SW, 5943 THA0711
Hageman, Michael	SW, 5946 TDP8576

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

#### **Resolution No. 92-06.**

By Interim Director Rush.  
Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 104-18-072 and 104-18-073, located at Whittier Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 116-06, passed February 27, 2006, authorized the sale of said parcels for a consideration established by the Board

of Control at not less than the Fair Market Value; and

Whereas, Angela Bennett has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 116-06, passed February 27, 2006, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Angela Bennett for the sale and development of Permanent Parcel Nos. 104-18-072 and 104-18-073, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

#### **Resolution No. 93-06.**

By Interim Director Rush.  
Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 118-05-082, 118-05-004 and 118-05-005, located at East 68th Street under said Land Reutilization Program; and

Whereas, Ordinance No. 115-06, passed February 27, 2006, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Juahmea Charnuse Harris has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 115-06, passed February 27, 2006, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Juahmea Charnuse Harris for the sale and development of Permanent Parcel Nos. 118-05-082, 118-05-004 and 118-05-005, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Direc-

tor Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

#### **Resolution No. 94-06.**

By Interim Director Rush.  
Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 115-28-001, 115-28-002, 115-28-003 and 115-28-004, located at St. Clair Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 88-06, passed February 13, 2006, 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, Collinwood Nottingham Village Development Corporation or designee has proposed to the City to purchase and develop the parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authorization of Ordinance No. 88-06, passed February 13, 2006, passed by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Collinwood Nottingham Village Development Corporation or designee for the sale and development of Permanent Parcel Nos. 115-28-001, 115-28-002, 115-28-003 and 115-28-004, as described in the Ordinance in accordance with 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 in accordance with the Land Reutilization Program.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.  
Absent: Director Fumich.

#### **Resolution No. 95-06.**

By Interim Director Rush.  
Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 109-11-041 located at Tanner Avenue in Ward 8; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization

Program parcels to adjacent or abutting landowners; and

Whereas, H and J Properties, LLC, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with H and J Properties, LLC for the sale and development of Permanent Parcel No. 109-11-041 located at Tanner Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Program.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Acting Director Bess, Director Flask, Interim Directors Cox, Rush, Director Hutchinson, Interim Director Huth, Director Guzman and Interim Director Rybka.

Nays: None.

Absent: Director Fumich.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, APRIL 3, 2006**

**9:30 A.M.**

**Calendar No. 06-40:** 5708 Train Avenue (Ward 17)

The Estate of Charles Pearson, owner c/o Robert Lustig, and Brian Heidelberg, tenant, appeal to establish use for the storage wooden logs on an approximate 200' x 124' vacant lot located in a General Industry District on the north side of Train Avenue at 5708 Train Avenue; the proposed use being contrary to Section 349.07(a) that requires accessory off-street parking spaces, driveway and maneuvering areas to be properly graded for drainage so that all water is drained within the lot providing such areas are surfaced with concrete, asphalt or similar surfacing material, maintained in good condition and free of debris and trash; and subject to the Requirements for Sight Lines, Height and Location, no portion of a fence located within 30' of the intersection of two street right-of-way lines shall exceed 2 1/2' in height, unless all portions of the fence above 2 1/2' are at least 75% open and the same restrictions apply to any portion of a fence located along and parallel to a driveway within 15' of its intersection with a public sidewalk, as stated in Section 358.03(a) of the Codified Ordinances.

**Calendar No. 06-41:** 1948-56 Columbus Road — Unit A (Ward 14)

Paul Koepf, owner, appeals to change the use of an existing building, subject to approval of a lot split and a newly created 4,680 square foot lot, proposing a 2,700 square foot single family dwelling to be located in a Semi-Industry District on the west side of Columbus Road at 1948-56 Columbus Road; the residential use being subject to the limitations of Section 345.03(b) and not permitted when the premises is within 200' of a General Industry District; and contrary to the Area Regulations for Residence Buildings and Section 355.04, a 2,700 s/f lot is proposed where 4,800 s/f is required and instead of one-half of the lot area, 2,700 s/f is proposed where 2,340 s/f is permitted with a 20' rear yard depth required in Section 357.08; and in any use district, no interior side yard on a lot occupied by a dwelling house shall be less than a 3' width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than 10' and side yards of 4-5' and 0' are proposed, contrary to Sections 357.09(2)B of the Codified Ordinances.

**Calendar No. 06-42:** 1948-56 Columbus Road — Unit B (Ward 14)

Paul Koepf, owner, appeals to change the use of an existing building, subject to approval of a lot split and a newly created 4,290 square foot lot, proposing a 2,425 square foot single family dwelling to be located in a Semi-Industry District on the west side of Columbus Road at 1948-56 Columbus Road; the residential use being subject to the limitations of Section 345.03(b) and not permitted when the premises is within 200' of a General Industry District; and contrary to the Area Regulations for Residence Buildings and Section 355.04, a 2,425 s/f lot is proposed where 4,800 s/f is required and instead of one-half of the lot area, 2,425 s/f is proposed where 2,145 s/f is permitted with a 20' rear yard depth required in Section 357.08; and in any use district no interior side yard on a lot occupied by a dwelling house shall be less than a 3' width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than 10' and 0' are proposed, contrary to Sections 357.09(2)B of the Codified Ordinances.

**Calendar No. 06-43:** 1948-56 Columbus Road — Unit C (Ward 14)

Paul Koepf, owner, appeals to change the use of an existing building, subject to approval of a lot split and a newly created 2,880 square foot lot, proposing a 4,200 square foot single family dwelling to be located in a Semi-Industry District on the west side of Columbus Road at 1948-56 Columbus Road; the residential use being subject to the limitations of Section 345.03(b) and not permitted when the premises is within 200' of a General Industry District; and contrary to the Area Regulations for Residence Buildings and Section 355.04, a 4,200 s/f lot is proposed where 4,800 s/f is required and instead of one-half of the lot area, 4,200 s/f is proposed where 1,440 s/f is permitted with a 20' rear yard depth required in Section 357.08; and in any use district no interior side yard on a lot occupied by a dwelling house shall be less than a 3' width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than 10' and 0' are proposed, contrary to Sections 357.09(2)B of the Codified Ordinances.

**Calendar No. 06-44:** 1948-56 Columbus Road — Unit D (Ward 14)

Paul Koepf, owner, appeals to change the use of an existing building, subject to approval of a lot split and a newly created 2,886 square foot lot, proposing a 4,480 square foot single family dwelling to be located in a Semi-Industry District on the west side of Columbus Road at 1948-56 Columbus Road; the residential use being subject to the limitations of Section 345.03(b) and not permitted when the premises is within 200' of a General Industry District; and contrary to the Area Regulations for Residence Buildings and Section 355.04, a 4,480 s/f lot is proposed where 1,443 s/f is required and instead of one-half of the lot area, 4,200 s/f is proposed where 1,440 s/f is permitted with a 20' rear yard depth required in Section 357.08; and in any use district no

interior side yard on a lot occupied by a dwelling house shall be less than a 3' width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than 10' and side yards of 0' and 4-5' are proposed, contrary to Sections 357.09(2)B of the Codified Ordinances.

**Calendar No. 06-45:** 3140 West 98th Street (Ward 18)

Mutual Properties, owner, and Sheldon Gross, agent, appeal to make alterations, construct a 5,119 square foot addition and establish use for Cuyahoga County Employment and Family Services on the premises of an existing one-story retail building, situated on acreage located in a General Retail Business District on the northeast corner of West 98th Street and Lorain Avenue at 3140 West 98th Street; contrary to the Yards and Courts Regulations, the proposed addition is within the front setback and no portion of a building shall be erected within the specific 10' front setback, as stated in Section 357.07(a) of the Codified Ordinances.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 20, 2006

At the meeting of the Board of Zoning Appeals on Monday, March 20, 2006, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 06-30:** 1815 St. Clair Avenue

MotorCars, Inc. appealed to change the use and remodel an existing building to a car repair facility in a Semi-Industry District.

**Calendar No. 06-31:** 11712 Moulton Avenue

The Cleveland Municipal School District appealed to construct a parking lot for the Mary McLeod Bethune K-8 Elementary School in a Two-Family District.

**Calendar No. 06-33:** 2826 Franklin Boulevard

Scott Francis appealed to change from an eight guest room inn to a single family residence an existing four-story structure in a Local Retail Business District.

**Calendar No. 06-34:** 4059 Rocky River Drive

James Jallos, owner, and Marge Devring, prospective tenant, appealed to change the use from a restaurant to a catering business, the preparation of food, in an existing building in a Local Retail Business District.

**Calendar No. 06-35:** 12814 Carrington Avenue

Murray Kudroff appealed to change an existing one family dwelling formerly occupied as a convent building, to a two family dwelling in a One-Family District.

**Calendar No. 06-23:** 3100 West 117th Street

Target Corporation appealed to erect an 87,325 square foot grocery store and a 126,842 square foot retail department store with an accessory parking lot for 1,047 spaces in a General Retail Business District.

The following appeal was **Denied**:

None.

The following appeal was **Withdrawn**:

None.

The following appeal was **Dismissed**:

None.

The following appeal was **Postponed**:

None.

In Executive Session on March 20, 2006, the following appeals heard by the Board on March 13, 2006 were adopted and approved.

The following appeals were **Approved**:

**Calendar No. 06-28:** 6928 Superior Avenue

Sandra Brooks and 6920 Superior LLC appealed to change from retail stores to dwelling units the first floor of a mixed use building in a Local Retail Business District.

**Calendar No. 06-32:** 601 Erieside Avenue

The City of Cleveland, owner, and The Great Lakes Science Center, lessee, appealed to erect a 152' high wind turbine tower in a B3 General Industry District.

**Calendar No. 06-17:** 3749 East 142nd Street

Baldeep Grewal appealed to change the use of a one-story building from a laundromat to a day care facility in an A1 One-Family District.

The following appeal was **Denied**:

**Calendar No. 06-25:** Appeal of Hussein Harmouche

Hussein Harmouche appealed from the Notice of Rejection regarding an application for a City of Cleveland Handgun Registration and Handgun Owner's Identification Card.

Secretary

## REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

### PUBLIC NOTICE

NONE

### NOTICE OF PUBLIC HEARING

NONE

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## 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, MARCH 29, 2006

**Labor and Materials Necessary to Repair and Maintain Plate Trucks (Re-Bid)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 836-04, passed by the Council of the City of Cleveland, June 4, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

March 15, 2006 and March 22, 2006

WEDNESDAY, APRIL 5, 2006

**Runway 6R-24L Uncoupling WBS No. E-210.3.1**, for the Department of Port Control, as authorized by Ordinance No. 462-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS



(\$150.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.  
THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 1:00 P.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

**Lumber (Re-Bid)**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2132-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, MARCH 28, 2006 AT 10:30 A.M., DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKE SIDE AVENUE, CLEVELAND, OHIO 44114.

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

March 15, 2006 and March 22, 2006

**THURSDAY, APRIL 6, 2006**

**Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances — Area A**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1018-05, passed by the Council of the City of Cleveland, August 3, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances — Area B**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1018-05, passed by the Council of the City of Cleveland, August 3, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**West Side Market — Trash Compactor Installation**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 226-05, passed by the Council of the City of Cleveland, March 21, 2005.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MARCH 28, 2006 AT 2:00 P.M., WEST SIDE MARKET (AT LOADING DOCK IN THE BACK), 1979 WEST 25TH

STREET (CORNER OF LORAIN AND WEST 25TH STREET), CLEVELAND, OHIO 44113.

March 15, 2006 and March 22, 2006

**FRIDAY, APRIL 7, 2006**

**Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances — Area C**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1018-05, passed by the Council of the City of Cleveland, August 3, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Contractual Repair of Water Mains, Fire Hydrants, Valves, Service Connections and Appurtenances — Area D**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1018-05, passed by the Council of the City of Cleveland, August 3, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Rehabilitating the Waste Water System (Cargo Roads Sanitary Sewer WBS No. K-700-3.1)**, for the Department of Port Control, as authorized by Ordinance No. 897-05, passed by the Council of the City of Cleveland, May 31, 2005.

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.  
THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING, PMT CONFERENCE ROOM, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 15, 2006 and March 22, 2006

**FRIDAY, APRIL 21, 2006**

**Garrett Morgan Water Works Plant Finished Water Pump Station Demolition Project No. 530**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 949-05, passed by the Council of the City of Cleveland, June 6, 2005.

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.

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

WEDNESDAY, MARCH 29, 2006 AT 9:00 A.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 15, 2006 and March 22, 2006

**WEDNESDAY, APRIL 12, 2006**

**Estimated Quantity of One (1) Pick-Up, 4x4, with Valve Turner**, for Various Divisions, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 6, 2006 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**Protozoa and Biological Analysis**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, APRIL 4, 2006 AT 2:00 P.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 22, 2006 and March 29, 2006

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 466-06.**  
**By Council Member Reed.**  
**An emergency resolution objecting to the transfer of Liquor License of a C2, C2X and D6 Liquor Permit to 12802 Kinsman Road.**

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of Liquor License of a C2, C2X and D6 Liquor Permit from 2498 Cor-

poration, DBA Woodland Shoprite, 2498 East 40th Street, 1st floor, Cleveland, Ohio 44104, Permanent Number 9116861 to Beverly Galloway, 12802 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 30193860005, 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 March 13, 2006.  
Effective March 17, 2006.

**Ord. No. 2373-04.**

**By Council Member Cimperman.**

**An ordinance changing the Use Districts a parcel of land on the north side of Superior Ave. from a General Retail Business to a Semi-Industry Use District and changing the Use District of a parcel of land on the west side of E. 61st Street from a General Retail Business District to Multi-Family Residential District (Map Change No. 2144, Sheet 4).**

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

**Section 1.** That the Use District of lands bounded and described as follows:

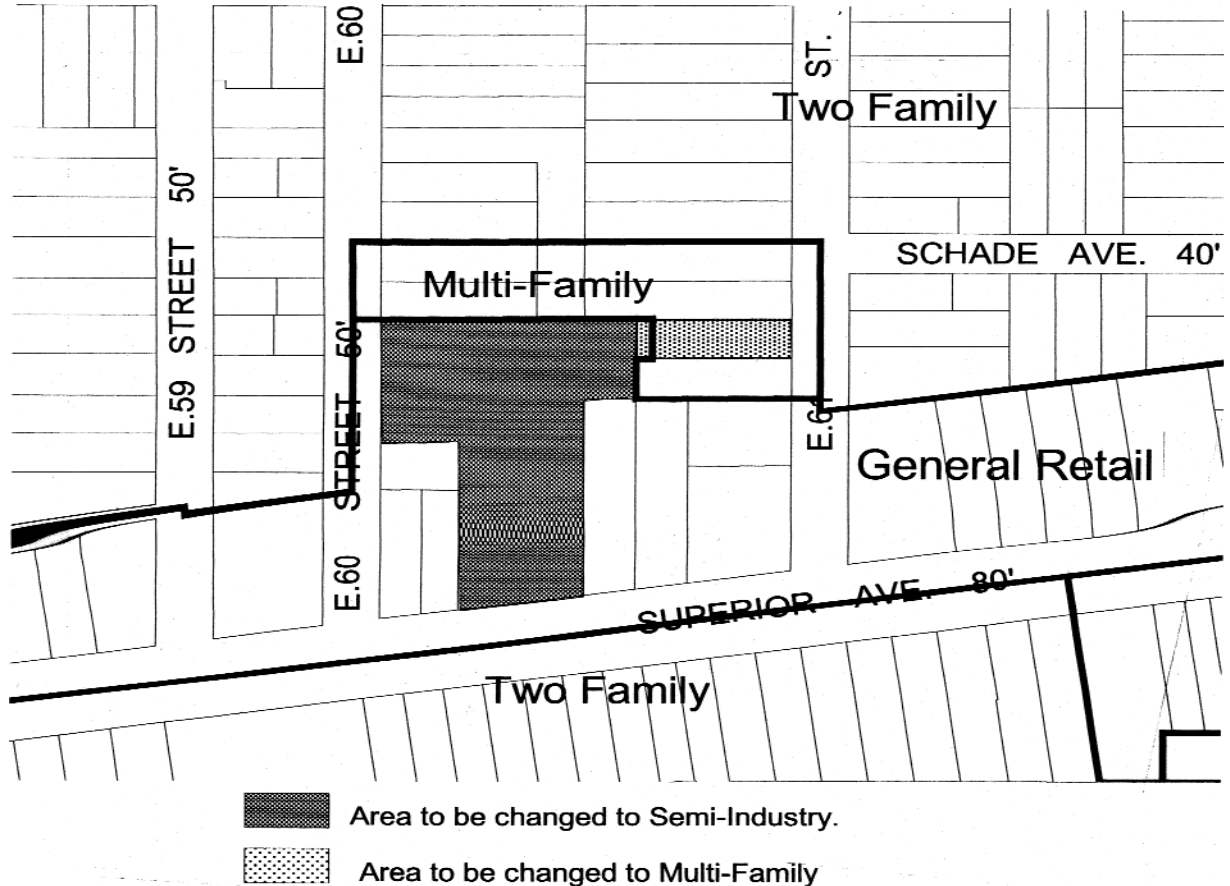
Permanent Parcel Number 104-15-019 and to the center line of those portions of Superior Avenue and East 60th Street adjoining the parcel; and as outlined and shaded on the attached map is changed from a General Retail Business District to a Semi-Industry Use District.

**Section 2.** That the Use District of lands bounded and described as follows:

Permanent Parcel Number 104-15-115 and to the center line of the portion of East 61st Street adjoining the parcel, and as outlined and shaded on the attached map is changed to a Multi-Family Residential Use District.

**Section 3.** That the changed designation of lands described in Section 1 and as shaded on the attached map shall be identified as Map Change No. 2144, Sheet No. 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed March 13, 2006.  
Effective April 22, 2006.

**Ord. No. 1570-05.****By Council Member Cimperman.****An emergency ordinance to designate a portion of Erieside Avenue as "Mather Way".**

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 any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, that portion of Erieside Avenue from the bend to the North Coast Harbor, as highlighted on the attached map, shall be known as "Mather Way".

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 1866-05.****By Council Member Jackson (by departmental request).****An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with ORACLE for the acquisition of one or more licenses for various citywide mission-critical applications, including installation, training, support and maintenance, or in the alternative, authorizing the director to****employ one or more professional consultants, computer software developers, or vendors to acquire ORACLE licenses for various citywide mission-critical applications, including installation, training, support and maintenance, for a period of one year, with a one-year option to renew.**

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

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

**Section 1.** That the Director of Finance is authorized to enter into one or more contracts with ORACLE for professional services necessary for the acquisition of one or more licenses for various citywide mission-critical applications, including installation, training, support and maintenance, for a period of one year, with one option to renew for an additional one-year consecutive term, exercisable by the Director of Finance, for the Division of Information Technology and Services, Department of Finance.

**Section 2.** That, as an alternative to Section 1 of this ordinance, the Director of Finance 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 provide professional services necessary to acquire ORACLE licenses for various citywide mission-critical applications, including installation, training, support and maintenance, for a period of one year.

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

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance through either Section 1 or Section 2 may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 4.** That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 11 SF 006, 52 SF 001, 58 SF 001, 10 SF 086, Request No. 141984.

**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 March 13, 2006.

Effective March 17, 2006.

**Ord. No. 1896-05.****By Council Member Kelley.****An ordinance to change the Use Districts of parcel bounded by Melber Avenue, Ridge Road and Ridgemore Ave. from Semi-Industry and Two-Family to Local Retail Business District as shown on the attached map (Map Change No. 2165, Sheet 2).**

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

**Section 1.** That the Use Districts of lands bounded and described as follows:

Beginning in the centerline of Ridge Road and its intersection with the centerline of Melber Avenue;

Thence Easterly along said centerline of Melber Avenue to its intersection with the Northerly prolongation of the Easterly line of Sublot No. 27 in the West 73rd Street Bridge Subdivision as shown on the recorded plat in Volume 87 of Maps, Page 34 of Cuyahoga County Records;

Thence Southerly along said prolongation and Easterly line to its intersection with the Northerly line of Sublot No. 16 in said West 73rd Street Bridge Subdivision;

Thence Westerly along said Northerly line of Sublot No. 16 to its intersection with the Easterly line of Sublot No. 15 in said West 73rd Street Bridge Subdivision;

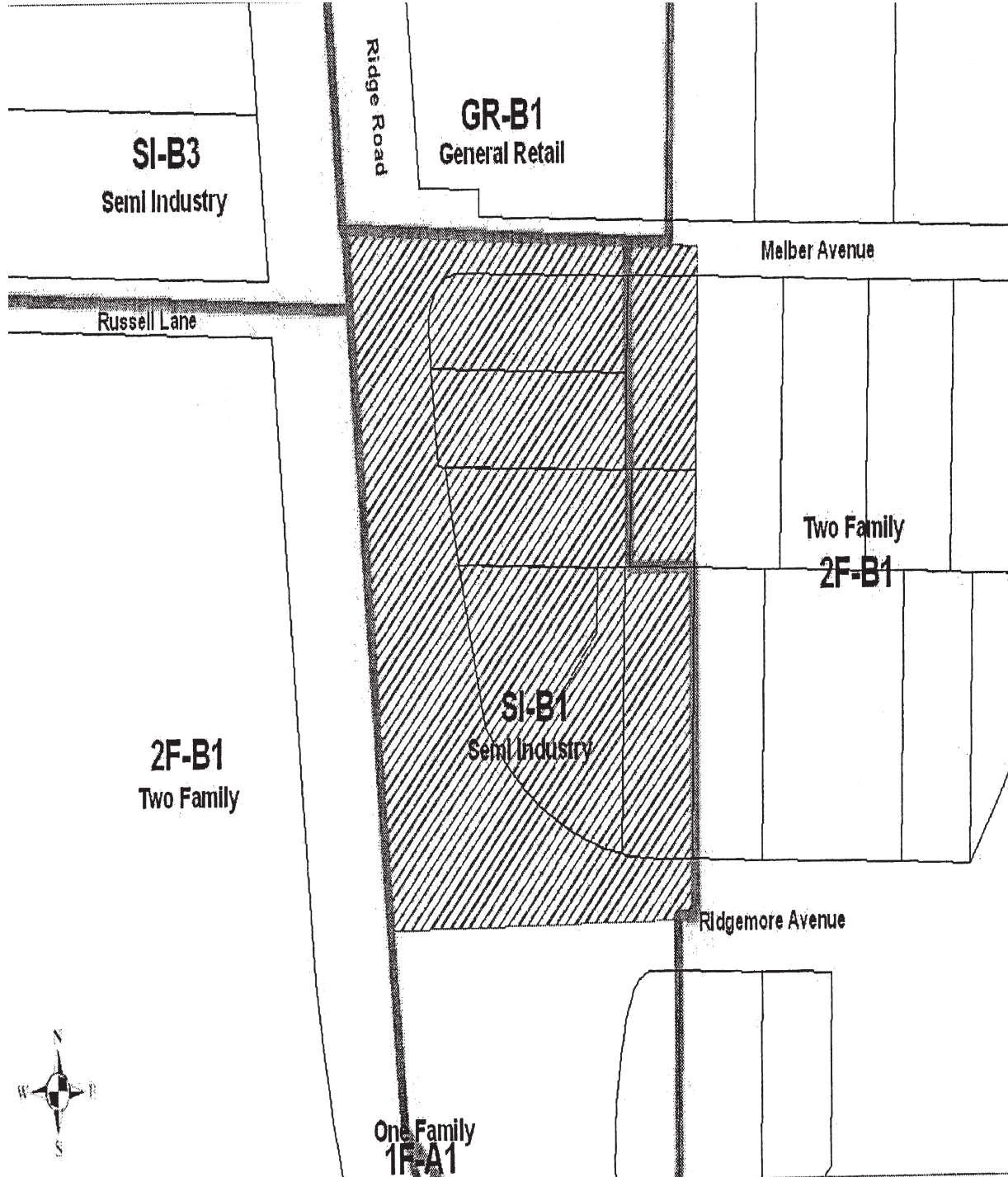
Thence Southerly along said Easterly line of Sublot No. 15 to its intersection with the centerline of Ridgemore Avenue;

Thence Westerly along said centerline to its intersection with the centerline of Ridge Road;

Thence Northerly along said centerline of Ridge Road to the place of beginning. and as shaded on the attached map is changed to a Local Retail Business District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2165, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed March 13, 2006.  
Effective April 22, 2006.

**Ord. No. 2193-05.**  
**By Council Members Britt and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts without competitive bidding with Thermo Electron Corporation for the purchase of not to exceed two X-ray fluorescence analyzers, for the Division of Environment, Department of Public Health.**

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 Thermo Electron Corporation. Therefore the Director of Public Health is authorized to make one or more written contracts with Thermo Electron Corporation on the basis of its proposal dated October 5, 2005, for not to exceed two X-ray fluorescence analyzers, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Environment, Department of Public Health.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund Nos. 10 SF 302 and 13 SF 178, Request No. 152804.

**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 March 13, 2006.  
 Effective March 17, 2006.

**Ord. No. 9-06.**  
**By Council Members Brancatelli, Brady, Cimperman and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Service to cause payment for the City's share to the State of Ohio for the cost of the construction of the Morgana Run Bikeway Project; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.**

Whereas, under Ordinance No. 1257-05, passed August 3, 2005, this Council gave consent to the Director of Transportation, State of Ohio, for the construction of the Morgana Run Bikeway Project; and

Whereas, this Council authorized the City to cooperate with the State of Ohio in the cost of the improvement; and

Whereas, the City's share of the cost of the improvement is currently estimated to be \$220,000; 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 authorizes payment to the State of Ohio of the City's share of constructing the Morgana Run Bikeway Project, payable from Fund Nos. 20 SF 361, 20 SF 370, 20 SF 377, 20 SF 382, 20 SF 392, 20 SF 501, and 20 SF 504, Request No. 132902.

**Section 2.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to construct the Morgana Run Bikeway Project. The consideration to be paid for such property shall not exceed fair market value.

**Section 3.** That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all of the costs necessary for the acquisition of such property.

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

Passed March 13, 2006.  
 Effective March 13, 2006.

**Ord. No. 10-06.**  
**By Council Members Britt, Brady, Cimperman and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Service to issue a permit to The Children's Hospital for Rehabilitation to encroach into the public right-of-way at three locations with three directional signs to be attached to utility poles (by separate permission).**

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

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

**Section 1.** That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to The Children's Hospital for Rehabilitation, 2801 Martin Luther King, Jr. Drive, Cleveland, OH 44104-3865 ("Permittee"), to encroach into the public right-of-way by installing, using, and maintaining three directional signs to be attached to utility poles (by separate permission), at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
Stokes Blvd. @ M.L.K. and Fairhill Rd. N.W. corner	#629380	First Energy
East 116th Street On island @ MLK S.E. corner	#540567	First Energy
Shale Ave. @ East 110th Street N.W. corner	No Tag	City of Cleveland

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

**Section 3.** That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

**Section 4.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 5.** That the Permit shall reserve reasonable right of entry to the City.

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

Passed March 13, 2006.  
 Effective March 17, 2006.

**Ord. No. 11-06.**  
**By Council Members Cimperman, Brady and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of Bading Avenue S.E.**

Whereas, under Resolution No. 365-05 adopted June 6, 2005, this Council declared its intention to vacate a portion of Bading Avenue S.E.; and

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

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Being all that portion of Bading Avenue S.E. (50 Feet wide) extending from the Easterly line of Kimmel Road S.E. (50 feet wide) Easterly to its Easterly terminus.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by entities requesting easements.

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

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

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 12-06.**  
**By Council Members Cimperman, Brady and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of Carroll Avenue N.W. and a portion of Keene Court S.W.**

Whereas, under Resolution No. 954-05 adopted July 13, 2005, this Council declared its intention to vacate a portion of Carroll Avenue N.W. and a portion of Keene Court S.W.; and

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

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Being all that portion of Keene Court S.W. (16 feet wide) extending Easterly from the East line of West 29th Street to the West line of West 28th Street and all that portion of Carroll Avenue N.W. (50 feet wide) extending Easterly from the East line of West 30th Street to that portion of Carroll Avenue N.W. vacated in Volume 224, Page 54 of Cuyahoga County Map Records by Ordinance No 2580-78 dated October 16, 1978.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Water Pollution Control, Cleveland Public Power, Water, and SBC.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

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

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

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 13-06.**  
**By Council Members Brady, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of Diemer Court N.E.**

Whereas, under Resolution No. 1458-04 adopted October 11, 2004, this Council declared its intention to vacate a portion of Diemer Court N.E.; and

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

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Being all that portion of Diemer Court N.E. (25 feet wide) extending from the Easterly line of East 64th Street (40 feet wide) Easterly to the Westerly line of Addison Road N.E. (40 feet wide).

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for the Division of Cleveland Public Power, and SBC.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

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

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

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 16-06.**  
**By Council Members Cleveland, Brady, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of Rose Court S.E.**

Whereas, under Resolution No. 1260-05, adopted August 3, 2005, this Council declared its intention to vacate a portion of Rose Court S.E.; and

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

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Being all that portion of Rose Court S.E. (10 feet wide) extending Easterly from the Easterly right of way of East 36th Street (60 feet wide) to the Westerly right of way of East 37th Street (40 feet wide).

Reviewed and approved by Greg Esber, Survey Section Chief for E&C

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for SBC.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

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

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

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 20-06.**  
**By Council Members Sweeney, Brady and Cimperman (by departmental request).**

**An emergency ordinance to vacate a portion of Springdale Avenue.**

Whereas, under Resolution No. 541-04, adopted May 17, 2004, this Council declared its intention to vacate a portion of Springdale Avenue; and

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

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Being all that portion of Springdale Avenue S.W. (50 feet wide) extending Easterly from the Easterly line of West 192nd Street (50 feet wide) to that portion of Springdale Avenue S.W. vacated by the Council of the City of Cleveland by Ordinance number 521-2000 passed June 12, 2000.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

**Section 2.** That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 3.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 21-06.**  
**By Council Members Sweeney, Brady and Cimperman (by departmental request).**

**An emergency ordinance to vacate a portion of Woodslee Court N.W. and a portion of West 134th Place.**

Whereas, under Resolution No. 577-05 adopted June 6, 2005, this Council declared its intention to vacate a portion of Woodslee Court N.W. and a portion of West 134th Place; and

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

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation

under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Being all that portion of Woodslee Court N.W. (20 feet wide) extending from the East line of that portion of Woodslee Court N.W. (20 feet wide) vacated by Ordinance No. 1870-57, passed 9-23-57, Easterly, to and including that portion of West 134th Place (20 feet wide) extending from said Woodslee Court N.W. (20 feet wide), Northerly, to the Southerly line of Lakewood Heights Boulevard N.W. (86 feet wide).

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for SBC.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

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

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

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 159-06.**  
**By Council Members Britt and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Solid Waste District for the 2006 Solid Waste Disposal Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$92,314.00,

and any other funds that may become available during the grant term from Cuyahoga County Solid Waste District to conduct the 2006 Solid Waste Disposal 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 and Award Letter for the grant contained in the file described below.

**Section 2.** That the Summary and Award Letter for the grant, File No. 159-06-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 Health shall have the authority to extend the term of the grant during the grant term.

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

**Section 5.** That 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 March 13, 2006.  
Effective March 17, 2006.

**Ord. No. 198-06.**

**By Council Members Britt and Sweeney (by departmental request).  
An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from Cuyahoga County Department of Senior and Adult Services for Chore Services Program.**

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

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

**Section 1.** That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$210,440.98, and any other funds that may become available during the grant term from Cuyahoga County Department of Senior and Adult Services to conduct the Chore Services 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. 198-06-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.

Passed March 13, 2006.  
Effective March 17, 2006.

**Ord. No. 247-06.**

**By Council Members Kelley and Sweeney (by departmental request).  
An emergency ordinance authorizing the purchase by one or more requirement contracts of bunker gear suits, for the various divisions of 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 the Director of Port Control 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 not to exceed one or two years of the necessary items of bunker gear suits, including but not limited to proximity pants, proximity coats, hoods, helmets, suspenders, and boots, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract 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 150580)

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

Passed March 13, 2006.  
Effective March 17, 2006.

**Ord. No. 248-06.**

**By Council Members Kelley and Sweeney (by departmental request).  
An emergency ordinance authorizing the purchase by one or more requirement contracts of deicing chemicals, sodium formate, and potassium acetate, for the various divisions of 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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two-year period of the necessary items of deicing chemicals, sodium formate, and potassium acetate 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above con-



tract 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 150582)

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 249-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical motors, pumps, and appurtenances, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain electrical motors, pumps, and appurtenances, for the various divisions of 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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of electrical motors, pumps, and appurtenances, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain electrical motors, pumps, and appurtenances, 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies

until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract 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 150585)

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 250-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of electronic, telecommunication, and fiber optic systems, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain the systems, for the various divisions of 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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of electronic, telecommunication, and fiber optic systems, including attachments, parts,

equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain the systems, 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract 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 150586)

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

Passed March 13, 2006.

Effective March 17, 2006.

**Ord. No. 251-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of switch gears for various electrical sub-stations, and installation, if necessary, and labor and materials to repair, replace, and maintain switch gears, for the various divisions of 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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of switch gears for various electrical sub-stations, and installation, if necessary, and labor and materials to repair, replace and maintain switch gears, 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 various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract 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 150587)

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

Passed March 13, 2006.  
Effective March 17, 2006.

**Ord. No. 252-06.**  
**By Council Members Kelley and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of heavy-duty equipment, snow removal equipment and equipment operators for the various divisions of 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 the Director of Port Control 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 not to exceed one or two years of the necessary items of the rental of heavy-duty equipment, snow removal equipment and equipment operators in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control 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 Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, 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 150583)

**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 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 4.** That this ordinance is declared to be an emergency mea-

sure 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 March 13, 2006.  
Effective March 17, 2006.

**Ord. No. 253-06.**  
**By Council Members Kelley and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and the Project Clean program for a period of one year.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more temporary employment agency or agencies 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 supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and Project Clean program for a period of one year.

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

**Section 2.** That the costs for the services contemplated shall be paid from Fund Nos. 10 SF 054, 13 SF 729, 62 SF 001, 63 SF 001, 01-701217-638000, 01-701207-638000, and from the fund or funds appropriated for this purpose in budget year 2006, Request No. 135790.

**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 March 13, 2006.  
Effective March 17, 2006.

**Ord. No. 325-06.**  
**By Council Member Reed.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Union Avenue to Kids Health 2020.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-013 as more fully described below, to Kids Health 2020.

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

P. P. No. 137-01-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 77 in the Union-Rice Subdivision of part of Original One Hundred Acre Lots Nos. 444 and 452, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records and being 40 feet front on the Southerly side of Union Avenue, S.E. and extending back 113.08 feet on the Westerly line, (which is also the Easterly side of East 118th Street), 113.31 feet on the Easterly, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-044 And 137-01-045 as more fully described below to Kids Health 2020.

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

P. P. Nos. 137-01-044  
and 137-01-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 78 and 79 in the Union-Rice Subdivision of part of Original One Hundred Acre Lot Nos. 452 and 444, as shown by the recorded plat of said Subdivision in Volume 47 of Maps, Page 24 of Cuyahoga County Records. Said Sublot Nos. 78 and 79 form a parcel of land having a

frontage of 70 feet on the Easterly side of East 118th Street and extending back 116 86/100 feet on the Northerly line, 117 10/100 feet on the Southerly line, and having a rear line of 70 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-02-130 as more fully described below, to Kids Health 2020.

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

P. P. No. 137-02-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and further described as follows: And known as being the Northerly 37-1/2 feet of Sublots Nos. 167 and 168 in Peter and Caroline Ray's Allotment of part of Original One Hundred Acre Lot No. 452, as shown by the recorded plat in Volume 14 of Maps, Page 2 of Cuyahoga County Records and together forming a parcel of land having a frontage of 37-1/2 feet on the Easterly side of East 120th Street (formerly Longacre Avenue), and extending back of equal width 80 feet, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-02-131 as more fully described, to Kids Health 2020.

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

P. P. No. 137-02-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and further described as follows: and known as being the Northerly 37.5 feet of Sublot No. 166 in Peter and Caroline Ray's Allotment of part of Original One Hundred Acre Lot No. 452, as shown by the recorded plat in Volume 14 of Maps, Page 2 of Cuyahoga County Records, and beginning on the Easterly side of East 120th Street, 60 feet wide, thence Easterly 80 feet to a point in the Westerly line of Sublot No. 166 and the principle place of beginning; thence Northerly 37.5 feet to the Northwesterly corner of said Sublot; thence Easterly 40 feet to the Northeasterly corner of said Sublot; thence Southerly 37.5 to a point; thence Westerly 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-02-133 as

more fully described below, to Kids Health 2020.

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

P. P. No. 137-02-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 179 and 180 in Peter and Caroline Ray's Allotment of part of Original One Hundred Acre Lot No. 452 as shown by the recorded plat in Volume 14 of Maps, Page 2 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 120th Street (formerly Longacre Street) at a point 137 feet Southerly (measured along said Easterly line) form its point of intersection with the Southerly line of Union Avenue, S.E. (formerly Union Street); thence Southerly along said Easterly line of East 120th Street, 37 feet to a point; thence Easterly parallel with the Southerly line of Union, S.E., 80 feet to a point in the Easterly line of said Sublot No. 179 in said Allotment; thence Northerly along the Easterly line of said Sublot No. 179, 37 feet to a point; thence Westerly parallel with the Southerly line of Union Avenue, S.E., 80 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 11.** 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 12.** 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 13.** 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 14.** 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 March 13, 2006.

Effective March 17, 2006.

**Ord. No. 369-06.**  
**By Council Members Johnson, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to Springco Metal Finishing, Inc., or its designee, certain easement rights on property located on portions of Mohican Park which is immediately adjacent to its facility located at 3340 West 137th Street and declaring the easement rights no longer needed for public use.**

Whereas, Springco Metal Finishing, Inc., or its designee ('Springco') requested the Director of Parks, Recreation and Properties to convey certain easement rights in property located on portions of Mohican Park which is immediately adjacent to their facility located at 3340 West 137th Street; and

Whereas, Springco requires the easement rights to provide for an emergency turnaround on portions of Mohican Park which is immediately adjacent to its facility located at 3340 West 137th Street; and

Whereas, the easement rights to be granted are no longer needed for public use; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement in the following described property is no longer needed for public use:

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Rockport Township Section No. 11 and bounded and described as follows:

Beginning at an iron pin at the intersection of the Northerly line of E. B. Case's Subdivision, as recorded in Volume 33 of Maps, Page 9 of Cuyahoga County Records, with the Westerly line of West 137th Street (50 feet wide) as appears on said plat of E. B. Case's Subdivision thence North along the Westerly line of West 137th Street (50 feet wide), said line forming an angle of 84 degrees 42 min. 00 sec. (in the Northwest quadrant) with the Northerly line of said Subdivision 543.18 feet to an iron pin and the principal place of beginning of the premises herein intended to be described;

Course 1: Westerly along the Northerly line of land conveyed to Louis Rock by the Cleveland Builders Supply Company by deed dated November 12, 1952, and filed for record in the Recorder's Office of Cuyahoga County, Ohio on December 8, 1952 as instrument No. 608568, a distance of 294.67 feet to a point on the Southeasterly line of the right of way of the Lake Shore and Michigan Southern Railroad;

Course 2: Thence Northeasterly along the Southeasterly line of said right of way a distance of 34 feet to a point;

Course 3: Thence Easterly and parallel with Course 1 a distance of 394.78 feet to a point;

Course 4: Thence Southerly and parallel with Course 2 a distance of 34 feet to a point;

Course 5: Thence Westerly along the same line as Course 1 a distance of 100.11 feet to the principal place of beginning.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement interest to Springco subject to any conditions stated in this ordinance at a price of \$1.00.

**Section 3.** That the easement shall be non-exclusive and the purpose of the easement shall be to provide for an emergency turnaround on portions of Mohican Park which is immediately adjacent to its facility located at 3340 West 137th Street.

**Section 4.** That the duration of the easement shall be until the easement is abandoned by Springco, through demolition of the building located at 3340 West 137th Street; that the easement shall not be assignable without the consent of the Director; that the easement may include reasonable right of entry rights to the City; that the easement shall require that Springco indemnify the City, provide reasonable insurance, maintain any improvements Springco may install or construct within the easement area; and pay any applicable taxes and assessments, if any.

**Section 5.** That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The deed of easement shall contain additional terms and conditions as are required to protect the interests of the City. The Directors of Parks, Recreation and Properties and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the emergency turnaround within the property described in this ordinance.

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

Passed March 13, 2006.  
 Effective March 17, 2006.

**Ord. No. 467-06.**

**By Council Member Zone.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community Forum Program through the use of Ward 17 Neighborhood Equity Funds.**

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

a municipal department; now, therefore,

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community Forum Program for the public purpose of providing a strategic community planning and assessment program for Cleveland residents to develop and promote sustainable neighborhoods in the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$31,875 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed March 13, 2006.  
 Effective March 17, 2006.

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**COUNCIL COMMITTEE**  
**MEETINGS**

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**Monday, March 20, 2006**  
**11:00 a.m.**

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

**2:00 p.m.**

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

**Tuesday, March 21, 2006**  
**9:30 a.m.**

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

**1:30 p.m.**

**Employment, Affirmative Action and Training Committee:** Present: Lewis, Chair; Santiago, Vice Chair; Brancatelli, Turner, Coats. *Authorized Absence:* Johnson, Conwell.

**Wednesday, March 22, 2006**  
**10:00 a.m.**

**Aviation and Transportation Committee:** Present: Kelley, Chair; Westbrook, Vice Chair; Brancatelli, Dolan, Cleveland, Britt, Turner.

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