

The City Record

Official Publication of the Council of the City of Cleveland



May the Seventeenth, 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
 Tracy Y. Martin, Executive Assistant to the Mayor, Chief of Education
 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, 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, 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 Tasky, 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, 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, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
 Burke Lakefront Airport

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

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, 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 – _____, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y.; _____, 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, Council Member Joe Cimperman.

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, MAY 17, 2006

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CITY COUNCIL

MONDAY, MAY 15, 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, May 15, 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, Lewis, Polensek, Reed, Santiago, Pierce Scott, 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, Dumas, Wasik, Flask, Cox, Rush, Hutchinson, Fumich, Brown, Griffin, Interim Directors Ciaccia, Carroll and Rybka.

Pursuant to Ordinance No. 2926-76, prayer was offered by Minister Janie Whitehead of Progressive Evangelistic Temple, 12808 Angelus Avenue in Ward 2. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 914-06.

From the Board of County Commissioners — copy of Resolution 061554. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 915-06.

Re: New Application — 5237933 — Little Lee's Kitchen and Convenient Store, Inc., d.b.a. Little Lee's Kitchen and Convenient Store, 3210 East 49th Street. (Ward 5). Received.

File No. 916-06.

Re: New Application — 5361542 — Luz Urban Groceries, LLC, d.b.a. Luz Urban Groceries, 8000 Lawn Avenue. (Ward 17). Received.

File No. 917-06.

Re: Transfer of Ownership Application — 8341824 — Soad 105, Inc., 1258 East 105th Street. (Ward 8). Received.

File No. 918-06.

Re: Transfer of Ownership Application — 0090464 — Al Saedi LLC, first floor and basement, 12916 Forest Avenue. (Ward 4). Received.

File No. 919-06.

Re: Stock Transfer Application — 3472884 — Hrs Enterprises LLC, d.b.a. Rite Shop Food Mart, 3022 West 25th Street. (Ward 14). Received.

File No. 920-06.

Re: Stock Transfer Application — 94427530005 — Way John, Inc., d.b.a. Donny Boy Tavern, 14527-29 Puritas Avenue. (Ward 20). Received.

File No. 921-06.

Re: Stock Transfer Application — 5942016 — Mike's Coolers, Inc., 10218 St. Clair Avenue. (Ward 8). Received.

STATEMENT OF WORK ACCEPTED

File No. 922-06.

From the Department of Public Service — Contract No. 64435 — Envirocom Construction accepted March 1, 2006. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 923-06—Julia M. Rudolph
Res. No. 924-06—James E. Swoope, Sr.

Res. No. 925-06 — Rev. Dr. Jennie B. Vaughn.

Res. No. 926-06—Edward Thomas.

APPRECIATION RESOLUTION

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

Res. No. 927-06 — Chief Anthony Jackson, CMHA Police.

CONGRATULATION RESOLUTIONS

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

Res. No. 928-06 — Raymond Bobgan.

Res. No. 929-06 — Fernando Rojas and Bernardita Covarrubias Rojas.

Res. No. 930-06—John Mortiz.

RECOGNITION RESOLUTIONS

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

Res. No. 931-06—George Purefoy.

Res. No. 932-06 — Peace Week — Joseph M. Gallagher School.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 860-06.

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

An emergency ordinance to vacate a portion of Fidelity Avenue S.W.

Whereas, under Resolution No. 703-05, adopted June 6, 2005, this Council declared its intention to vacate a portion of Fidelity Avenue 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 April 20, 2006 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:

Beginning at the intersection of the centerlines of Fidelity Avenue

S.W. (60 feet wide) with Bosworth Road S.W. (100 feet wide); thence North 60 degrees 26' 55" East along the centerline of Fidelity Avenue, as aforesaid, 306.73 feet to a point of curvature; thence North 29 degrees 33' 05" West, 30.00 feet to a point on the Northerly right-of-way of Fidelity Avenue, as aforesaid, and the Principal Place of Beginning of a parcel of land herein described; thence North 60 degrees 26' 55" East 73.66 feet to a point; thence Southerly 57.05 feet along the arc of a curve deflecting to the left having a radius of 122.84 feet and a chord of 56.54 feet which bears South 36 degrees 26' 46" East to a point; thence Northwesterly 104.43 feet along the arc of a curve deflecting to the left having a radius of 85.72 feet and a chord of 98.09 feet which bears North 84 degrees 39' 06" West to the Principal Place of Beginning and containing 0.0210 acres of land.

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

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

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 Water Department and the City of Cleveland.

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 resolution 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.

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

Ord. No. 861-06.

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

An emergency ordinance to vacate a portion of East 114th Street and a portion of Hulda Avenue S.E.

Whereas, under Resolution No. 132-05, adopted March 28, 2005, this Council declared its intention to vacate a portion of East 114th Street and Hulda 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 April 20, 2006 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 portions 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 East 114th Street (width varies) extending Southerly from the Southerly line of Hulda Avenue S.E. (width varies) to the Northerly line of Martin Luther King, Jr. Drive S.E. (100 feet wide) and all that portion of Hulda Avenue S.E. (width varies) extending Easterly from the intersection of the Easterly line of East 114th Street (50 feet wide) and the Northerly line of Hulda Avenue (width varies) Easterly to its Easterly terminus.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for The Illuminating Company, Cleveland Public Power, and Water Department.

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 and the City of Cleveland.

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 resolution 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.

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

Ord. No. 862-06.

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

An emergency ordinance to vacate portions of Payne Court N.E., East 25th Place, and East 23rd Place.

Whereas, under Resolution No. 733-02, adopted June 17, 2002, this Council declared its intention to vacate portions of Payne Court N.E., East 25th Place, and East 23rd 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 April 20, 2006 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 portions 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 Payne Court (16 feet wide), extending Easterly from the Easterly line of East 24th Street (60 feet wide), to the Westerly line of East 25th Street (60 feet wide).

East 25th Place (16 feet wide) extending Southerly from the Southerly line of Payne Court N.E. (16 feet wide) to the Westerly prolongation of the Southerly line of Sub Lot No. 75 in the Perry Payne Subdivision of part of Original 10 Acre Lot Numbers 82, 83, and 84, as shown by the recorded plat in Volume 25 of Maps, Page 9 of Cuyahoga County Records.

East 23rd Place (14 feet wide) extending Southerly from the Southerly line of Payne Court N.E. to the Northerly line of Chester Avenue N.E. (86 feet wide).

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

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 SBC and the City of Cleveland.

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 resolution 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.

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

Ord. No. 863-06.
By Council Members Cimperman, Brady and Sweeney (by departmental request).

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

Whereas, under Resolution No. 1659-05, adopted December 5, 2005 this Council declared its intention to vacate a portion of Webster 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 April 20, 2006 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 Webster Court N.E. (12 feet wide) extending Easterly from the Easterly line of East 37th Street (60 feet wide) to the Northerly prolongation of the Westerly line of East 38th Place (12 feet wide).

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

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

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 resolution 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.

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

Ord. No. 865-06.
By Council Members Cleveland, Brady, Cimperman and Sweeney (by departmental request)

An emergency ordinance to vacate a portion of East 72nd Place

Whereas, under Resolution No. 131-05, adopted March 14, 2005, this Council declared its intention to vacate a portion of East 72nd 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 April 20, 2006 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 East 72nd Place (14 feet wide) extending Southerly from the Westerly prolongation of the Northerly line of Sub Lot No. 80 in the H.C. Sterling Subdivision as shown by the recorded plat in Volume 5 Page 60 of Cuyahoga County records to the Westerly prolongation of the Southerly line of Sub Lot No. 108 in the aforesaid Sterling Subdivision.

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

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 SBC and the City of Cleveland.

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 resolution 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.

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

Ord. No. 866-06.
By Council Members Cummins, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of Stimson Court S.W.

Whereas, under Resolution No. 1660-05, adopted December 5, 2005 this Council declared its intention to vacate a portion of Stimson 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 April 20, 2006 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 Stimson Court S.W. (15 feet wide) extending from a line approximately 190 feet from the East line of West 33rd Street (30 feet wide) as Dedicated in Volume 17 of Maps, Page 27 of Cuyahoga County Records, said line being the Southwesterly prolongation of the East line of a parcel of land conveyed to William Wischmeier, Jr. and Deborah A. Wischmeier by deed recorded as Auditors File Number 200001040803 Easterly to its Easterly terminus.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, Dominion East Ohio Gas, and the Water Department.

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 and the City of Cleveland.

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 resolution 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.

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

Ord. No. 867-06.
By Council Members Westbrook, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of West 92nd Street.

Whereas, under Resolution No. 1259-05, adopted August 3, 2005, this Council declared its intention to vacate a portion of West 92nd Street; 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 20, 2006 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 West 92nd Street (14 feet wide) from the Southerly line of Keith Court (12 feet wide) as vacated by Ordinance No. 645-99, passed June 14, 1999 Southerly to its intersection with the Westerly prolongation of the Northerly line of Sublot No. 38 in the Denison Allotment as shown in Volume 13, Page 41 of Cuyahoga County Map Records.

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

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 SBC and the City of Cleveland.

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 resolution 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.

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

Ord. No. 868-06.
By Council Members White, Brady, Cimperman and Sweeney (by departmental request).

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

Whereas, under Resolution No. 607-03, adopted June 10, 2003 this Council declared its intention to vacate a portion of Crossing 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 April 20, 2006 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 Crossing Court S.E. (15 feet wide) extending Northerly and Northwesterly from the Northerly line of Harvard Avenue S.E. (60 feet wide) to that portion of Crossing Court S.E. as vacated by the Council of the City of Cleveland by Ordinance Number 908-67 Passed June 12, 1967.

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

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 resolution 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.

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

Ord. No. 869-06.

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

An emergency ordinance determining the method of making the public improvement of performing the Euclid Creek Stream Restoration Project including removing vegetation, stabilizing degraded stream banks, clearing drainage structures, and other work necessary to restore the stream channel, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of performing the Euclid Creek Stream Restoration Project including removing vegetation, stabilizing degraded stream banks, clearing drainage structures, and other work necessary to restore the stream channel, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 155082.

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, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 870-06.

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

An emergency ordinance determining the method of making the public improvement of performing the Lorain Avenue Sewer Relief Project to rehabilitate and replace the Lorain Avenue area sewer mains, including installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of performing the Lorain Avenue Sewer Relief Project to rehabilitate and replace the Lorain Avenue area sewer mains, including installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 155078.

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, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 871-06.

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

An emergency ordinance determining the method of making the public improvement of relocating and replacing the Marcella Drive area sewer mains, including installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of relocating and replacing the Marcella Drive area sewer mains, including installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 155079.

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, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 872-06.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Westdale Avenue area sewer mains, including installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the Westdale Avenue area sewer mains, including installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 155081.

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, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 873-06.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 160th Street area sewer mains, including installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the West 160th Street area sewer mains, including installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 155080.

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, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 874-06.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1498-05, passed October 24, 2005, relating to a lease with RW Armstrong for office space at Cleveland Burke Lakefront Airport.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1498-05, passed October 24, 2005, are amended as follows:

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with RW Armstrong for the lease of office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of five years, with one option to renew for an additional five-year period.

Section 1. That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with RW Armstrong ("Lessee") for use and occupancy of approximately 4,350 square feet of office space located on the second floor of Cleveland Burke Lakefront Airport ("Leased Premises"). The term of the Lease shall be for a five-year period, commencing on the effective date of the Lease, with one option to renew for an additional five-year period exercisable by the Director of Port Control. For use of the Leased Premises, Lessee shall pay the City an annual rate of at least **Fifty Four Thousand Three Hundred Seventy-Five Dollars (\$54,375)** which is equal to **\$12.50** per square foot. The annual rate will be finally determined by appraisal.

Section 2. That the existing title and Section 1 of Ordinance No. 1498-05, passed October 24, 2005, are repealed.

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

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

Ord. No. 875-06.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Doug Mack Air Limited, LLC for the lease of office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of five 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 Port Control is authorized to enter into a Lease Agreement ("Lease") with Doug Mack Air Limited, LLC ("Lessee") for use and occupancy of approximately 1,650 square feet of office space located in Rooms 108 and 184 of the terminal building at Cleveland Burke Lakefront Airport ("Leased Premises"). The Leased Premises shall be used as a flight training facility and to provide

related services to serve the air traveling public and patrons at Cleveland Burke Lakefront Airport. The term of the Lease shall be for a five-year period, commencing on June 1, 2006. For use of the Leased Premises, Lessee shall pay the City an annual rate as determined by an appraisal, but in no event shall the annual rate be less than Twenty-Six Thousand Six Hundred Twenty-five Dollars (\$26,625.00) which is equal to \$12.50 per square foot. Such rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

Section 2. The Lease authorized by this ordinance shall be prepared by the Director of Law.

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

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

Ord. No. 876-06.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the East 128th Street area sewer mains, including installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the East 128th Street area sewer mains, including installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 155077.

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.

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

Ord. No. 877-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to extend Contract No. 61760 with Modis Incorporated on a month-to-month basis, for a period not to exceed six months, for professional services necessary to perform maintenance on the MITIS computer system for the Division of Taxation.

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 extend the term of Contract No. 61760 with Modis Incorporated on a month-to-month-basis, for a period not to exceed six months, to continue to provide professional services to provide maintenance and support services for the MITIS computer system for the Division of Taxation. All other terms and conditions of the contract shall remain the same. The contract extension authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance.

Section 2. That the cost of the contract extension or extensions authorized by this ordinance shall be paid from the Fund No. 81 SF 001, Request No. 127094.

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

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

Ord. No. 878-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with BancTec, Inc. to maintain the hardware and software of up to two BancTec 9500 remittance processors and equipment, including parts and labor, for the Division of Utilities Fiscal Control, Department of Public Utilities, for a period of one year, with one option to renew for an additional one-year period.

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 BancTec, Inc. Therefore the Director of Public Utilities is authorized to make one or more written contracts with BancTec, Inc. on the basis of its proposal dated January 12, 2006, for the maintenance of hardware and software of up to two BancTec 9500 remittance processors and equipment, including parts and labor, for a one year period, with one option to renew for an additional one-year period, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Utilities Fiscal Control, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 50 SF 001, Request No. 154553.

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

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

Ord. No. 879-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various fuels, 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 a one or two year period of the necessary items of various fuels, 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 161679)

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. 880-06.

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

An emergency ordinance to amend Section 605.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 695-05, passed July 13, 2005, relating to aggressive solicitation.

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 605.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 695-05, passed July 13, 2005, is amended to read as follows:

Section 605.031 Aggressive Solicitation

(a) For purpose of this section:

(1) "Aggressive manner" means as follows:

A. Approaching, seeking, or following a person before, during, or after solicitation if that conduct is intended, or likely to cause, a reasonable person to (i) fear bodily harm to oneself or another, (ii) fear damage to or loss of property, or (iii) be intimidated;

B. Intentionally or recklessly touching or causing physical contact with another person without that person's consent in the course of soliciting if the touching or physical conduct is likely to cause a reasonable person to feel restrained or intimidated;

C. Continuing to solicit from a person after the person has given a negative response;

D. Intentionally or recklessly blocking the safe or free passage of a person or vehicle by any means, including unreasonably causing a

pedestrian or vehicle operator to take evasive action to avoid physical contact. Acts authorized by a lawfully issued permit shall not constitute obstruction of pedestrian traffic for purposes of this section; or

E. Intentionally or recklessly using obscene, abusive, or threatening language, or gestures, toward a person being solicited.

(2) "Automated-teller machine" means a device, linked to a financial institution's account records, that is able to carry out transactions, including, but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(3) "Automated-teller machine facility" means the area comprised of one or more automated-teller machines, and any adjacent space that is made available to banking customers.

(4) "Public property" means all property owned, operated or controlled by any governmental agency, including but not limited to streets, public sidewalks, tree lawns, parks, playgrounds, publicly-owned parking lots, schools, libraries, post offices, municipal transit facilities and other public lands and buildings.

(5) "Solicit" or "soliciting" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, by gesture or by other means of communication.

(b) No person shall solicit:

(1) In an aggressive manner;

(2) Within twenty feet of any automated-teller machine without the consent of the owner or other person legally in possession of the machine, provided, however, that when an automated-teller machine is located within an automated-teller machine facility, the distance shall be measured from the entrance or exit of the automated-teller machine facility;

(3) Within twenty feet of a bus stop, rapid-transit shelter, or bus shelter;

(4) Within twenty feet of a line of pedestrians waiting to obtain access to a building or event;

(5) Within twenty feet of the area of the sidewalk used by an outdoor restaurant under a temporary public right-of-way occupancy permit issued under Chapter 513 of the Codified Ordinances or by a vendor under a permit issued under Chapter 508, Section 675.06, or Section 675.07 of the Codified Ordinances;

(6) Within twenty feet of a valet zone established under Section 451.33 of the Codified Ordinances;

(7) Within fifteen feet of any pay telephone, provided, however, that when a pay telephone is located within a telephone booth or other facility, the distance shall be measured from the entrance or exit of the telephone booth or facility;

(8) Within fifteen feet of the entrance or exit of any public toilet facility;

(9) On public property within ten feet of an entrance to a building; or

(10) On public property within ten feet of an entrance to a parking lot.

(c) Whoever violates division (b)(1) of this section shall be guilty of a misdemeanor of the fourth degree for a first offense, a misde-

meanor of the third degree for a second offense, and a misdemeanor of the first degree for a third and subsequent offense. Whoever violates any provision in division (b)(2) through (b)(10) of this section shall be guilty of a minor misdemeanor for a first offense, and a misdemeanor of the fourth degree for a second and subsequent offense. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(d) That this section shall expire and be of no force and effect three years after the effective date of this section.

Section 2. That existing Section 605.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 695-05, passed July 13, 2005, is repealed.

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

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

Ord. No. 881-06.

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, Bureau of Justice Assistance, for the 2006 Bulletproof Vest Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment necessary to implement the 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 \$203,906.25, from the United States Department of Justice, Bureau of Justice Assistance, to conduct the 2006 Bulletproof Vest Grant; that the Director of Public Safety 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. 881-06-A, made a part of this ordinance as if fully rewritten, including the obligation of the City to provide \$203,906.25 in cash matching funds from Fund Nos. 10 SF 025, 20 SF 027, and 10 SF 049, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant 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 for the period of the grant term for the necessary items of equipment necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance. Bids shall be taken in a manner which 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 grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

Section 5. That the cost of the contracts shall be paid from the fund or funds to which are credited the proceeds of the grant accepted under this ordinance and shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. 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 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 882-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Cuyahoga Metropolitan Housing Authority, or its designee, to provide housing development assistance to partially finance various site improvements needed for the redevelopment of the Valleyview Homes public housing estates.

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 a grant agreement with the Cuyahoga Metropolitan

tan Housing Authority, or its designee, to provide housing development assistance to partially finance various site improvements needed for the redevelopment of the Valleyview Homes public housing estates.

Section 2. That the costs of the grant shall not exceed an amount of \$1,500,000 and shall be paid from Fund No. 13 SF 236, Request No. 149539.

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

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

Ord. No. 883-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical supplies, motors and pumps, including labor and materials necessary to maintain existing motors and pumps, for the Division of Property Management, Department of Parks, Recreation and Properties, for a two year period.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of electrical supplies, motors and pumps, including labor and materials to repair, replace and maintain existing motors and pumps 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 Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be 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 pur-

chases, 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 176519)

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

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

Ord. No. 884-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of McAfee virus protection support, for the various divisions of City government, 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 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, with a one-year option to renew, of the necessary items of McAfee virus protection support, 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 city government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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 142062)

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

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 885-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware and software, for the various divisions of City government, 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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with a one-year option to renew, of the necessary items of hardware and software, 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 City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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. (RL146289)

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

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

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

**Ord. No. 886-06.
By Council Members Brady and Sweeney (by departmental request).
An emergency ordinance approving the Draft Solid Waste Management Plan of the Cuyahoga County Solid Waste Management District.**

Whereas, the Ohio Solid Waste Disposal Act, effective June 24, 1988, mandated that all counties establish a Solid Waste District and a Solid Waste Management Policy Committee to prepare, adopt and submit to the Ohio Environmental Protection Agency a Solid Waste Management Plan (Sections 3734.52 to 3734.56 of the Revised Code); and

Whereas, through its Resolution No. 814313, adopted August 29, 1988, the Cuyahoga County Board of Commissioners formed a single-county Solid Waste Management District, under Section 3734.52 of the Revised Code; and

Whereas, the City of Cleveland is located within the jurisdiction of the Cuyahoga County Solid Waste Management District ("District"); and

Whereas, the Director of the Ohio Environmental Protection Agency, on March 30, 1989, designated the Cuyahoga County Planning Com-

mission to serve as the Solid Waste Management Policy Committee for the Cuyahoga County Solid Waste District (the "Policy Committee") under division (D) of Section 3734.54 of the Revised Code, which Policy Committee is required to prepare a "solid waste management plan" for the District (the "Plan"); and

Whereas, the Policy Committee prepared and adopted a final draft of the Plan under Sections 3734.53, 3734.54, and 3734.55 of the Revised Code; and

Whereas, the District provided a copy of the Plan for ratification to each of the legislative authorities of the District; and

Whereas, the City of Cleveland must decide whether it approves of the Plan within ninety days of receipt of the Final Draft Plan; 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 Plan for the Cuyahoga County Solid Waste Management District is approved in the form submitted to this Council and contained in File No. 886-06-A.

Section 2. That the Clerk of Council is directed to send a copy of this ordinance to the Cuyahoga County Solid Waste District, 323 Lakeside West Avenue West, Suite 400, Cleveland, Ohio, 44113, attention Patrick J. Holland, Executive Director.

Section 3. That it is found and determined that all formal actions of the Council concerning and relating to the passage of the ordinance were passed in an open meeting of this council and of any of its committees that resulted in the formal actions were in meetings open to the public in compliance with all legal requirements.

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. 887-06.
By Council Members Brady and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government.**

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

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

Section 1. That the Director of 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 year for the necessary items of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, training, and inspections, as needed, in the estimated sum of \$11,489,300.00, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

General Fund

<u>Item Number</u>	<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Extended Est. Cost</u>
1	Cargo Van	Aging	1	24,000	24,000
2	15-Passenger Van	Aging	1	23,000	23,000
3	Pick-Up	Licenses	1	26,000	26,000
4	Pick-Up	Printing	1	28,000	28,000
5	Fork Lift, Warehouse Walk-Behind	Printing	1	25,000	25,000
6	Pick-Up, Crew Cab	Waste Coll.	3	26,000	78,000
7	Cab/Chassis w/10-yd packer	Waste Coll.	2	88,000	176,000
8	TCab/Chassis w/30-yd front packer	Waste Coll.	2	165,000	330,000
9	Bridge Oiler Vehicle	E&C	1	64,000	64,000
10	Pick-Up, Crew Cab, 4x4, w/plow	Streets	3	37,000	111,000
11	Medium Dump, Crew Cab, w/plow	Streets	4	54,000	216,000
12	Asphalt Roller w/trailer	Streets	4	18,000	72,000
13	10' Salt Insert	Streets	6	10,000	60,000
14	15-Passenger Van	Recreation	4	23,000	92,000
15	Pick-Up, Crew Cab, 4x4, w/plow	Parks	6	33,000	198,000
16	Pick-Up, Crew Cab	Parks	6	28,000	168,000
17	Medium Dump, Crew Cab, w/plow	Parks	4	54,000	216,000
18	Medium Dump, Reg. Cab, w/plow	Parks	2	48,000	96,000
19	Cab/Chassis w/10-yd packer	Parks	4	85,000	340,000
20	Tractor, Farm	Parks	7	26,000	182,000
21	Cutter, Tractor-Mounted	Parks	10	5,000	50,000
22	Blower, Tractor-Mounted	Parks	6	4,000	24,000
23	Leaf Vacuum	Parks	9	10,000	90,000
24	Mower, Commercial	Parks	13	10,000	130,000
25	Mower, Landscape	Parks	3	4,000	12,000
26	Truckster, Utility	Parks	2	18,000	36,000
27	Trailer, Landscape	Parks	9	4,000	36,000
28	8' Salt Insert	Parks	6	5,000	30,000

29	Marked Police Car	Police	90	29,000	2,610,000
30	Unmarked Police Car	Police	30	18,000	540,000
31	Cargo Van	Police	1	30,000	30,000
32	Prisoner Van	Police	2	43,000	86,000
	TOTALS		244		6,199,000

Enterprise Fund

<u>Item Number</u>	<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Extended Est. Cost</u>
33	Passenger Car, Full-Size	Water	2	23,000	46,000
34	SUV, 4x4	Water	4	33,000	132,000
35	Pick-Up	Water	14	26,000	364,000
36	Pick-Up	Water	6	33,000	198,000
37	Pick-Up, Crew Cab, w/lift-gate	Water	1	35,000	35,000
38	Pick-Up, 4x4, w/valve turner	Water	2	40,000	80,000
39	Cargo Van, Small	Water	4	30,000	120,000
40	Cargo Van	Water	3	34,000	102,000
41	Medium Dump, Reg. Cab	Water	4	65,000	260,000
42	Cab/Chassis w/dry goods body	Water	1	75,000	75,000
43	Cab/Chassis w/USV body, large	Water	3	130,000	390,000
44	Loader, Skid-Steer	Water	1	30,000	30,000
45	Tractor, Snow Removal	Water	2	20,000	40,000
46	Excavator, Small w/trailer	Water	2	60,000	120,000
47	Air Compressor w/attachments	Water	3	24,000	72,000
48	Trailer, Backhoe	Water	7	25,000	175,000
					2,239,000
49	SUV, 4x4	WPC	3	26,000	78,000
50	Pick-Up, Extended Cab, 4x4	WPC	1	27,000	27,000
51	Pick-Up, Crew Cab, 4x4	WPC	2	27,000	54,000
52	Cab/Chassis w/USV body, med.	WPC	2	65,000	130,000
53	Medium Dump, Crew Cab	WPC	1	95,000	95,000
54	TCab/Chassis w/dump body	WPC	1	120,000	120,000
55	Cab/Chassis w/Sewer Cleaner	WPC	1	225,000	225,000
					729,000
56	SUV, 4x4	CPP	6	35,000	210,000
57	Pick-Up	CPP	2	30,000	60,000
58	Cargo Van, Small	CPP	4	30,000	120,000
59	Cargo Van, Full-Size	CPP	6	38,000	228,000
60	Cab/Chassis w/digger-derrick	CPP	1	193,000	193,000
61	Cab/Chassis w/ 50' bucket	CPP	2	130,000	260,000
62	Cab/Chassis w/75' bucket	CPP	1	190,000	190,000
63	Pole Dinkey (Trailer)	CPP	3	9,100	27,300
					1,288,300
64	SUV, 4x4	Radio Comm.	1	30,000	30,000
					30,000
69	Runway Blower, High-Speed	Port Control	1	435,000	435,000
70	Endloader, medium	Port Control	1	130,000	130,000
71	Road Grader	Port Control	1	200,000	200,000
72	Asphalt Recycler	Port Control	2	70,000	140,000
73	Crack Sealer	Port Control	1	70,000	70,000
74	Fork Lift	Port Control	1	29,000	29,000
					1,004,000
				GRAND TOTAL:	\$11,489,300.00

Bids shall be taken in such manner as to permit 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 a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 161647)

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 contract or 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. 888-06.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Public Safety facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Public Safety facilities (the "Improvement"), for the Division of Architecture, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Public Service 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 design the Improvement.

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

Section 4. That the cost of the contracts authorized shall be paid from

Fund Nos. 01-600100-693000, 11 SF 006, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 20 SF 503, and from the fund or funds to which are credited the proceeds from the sale of future general obligation bonds which are designated for this purpose, if the City sells such bonds, and from any other funds appropriated for this purpose, Request No. 156199.

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

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

Ord. No. 889-06.

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

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

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

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

Section 2. That the summary for the grant, File No. 889-06-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 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 imple-

ment the program as described in the file and appropriated for that purpose.

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

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

Section 7. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

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

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

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

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

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

Ord. No. 890-06.

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 Department of Housing and Urban Development for the Lead Hazard Control Initiative Program; and authorizing one or more contracts to implement the 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 Health is authorized to apply for and accept a grant in the approximate amount of \$3,000,000, and any other funds that may become available during the grant term from Department of Housing and Urban Development, to conduct the Lead Hazard Control Initiative Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 890-06-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 the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items necessary to implement the program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. 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 pur-

chase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Health may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

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

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

Ord. No. 891-06.

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 Ohio Department of Health for the 2006-07 Federal Childhood Lead Poisoning Prevention Program; authorizing the director to enter into one or more contracts with various entities, agencies, or individuals to implement the grant; authorizing the director to enter into one or more requirement contracts to implement the grant; and to enter into contract with the Ohio Department of Health for performance of environmental assessments of the residences of Medicaid-eligible children.

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 \$538,334 and any other funds that may become available during the grant term, from the Ohio Department of Health to conduct the 2006-07 Federal Childhood Lead Poisoning Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 891-06-A, made a

part of this ordinance as if fully rewritten, including the obligation to devote program income from first and third party billings estimated at \$50,000, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into contract with the Ohio Department of Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-eligible children during the grant term. The contract shall provide that the City will receive compensation for performing the assessments in the estimated amount of \$57,500. The Director of Finance is authorized to receive and accept the compensation on behalf of the City and the Director of Public Health is authorized to sign the documents necessary to enter into the contract.

Section 4. That the Director of Public Health 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 5. That the Director of Public Health is authorized to enter into one or more contracts with various entities, agencies, or individuals to implement the program as described in the file.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant term of the necessary items described in the file. 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 shall determine. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 8. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds, the first and third party billings, and from the Medicaid reimbursements accepted under this ordinance.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 892-06.

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 Ohio Department of Health for the Women's Health Services Program; authorizing the director to charge and accept fees for this program; and to enter into one or more contracts to implement the 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 \$100,000 and any other funds that may become available during the grant term, from Ohio Department of Health to conduct the Women's Health 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 set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 892-06-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 Health shall have the authority to extend the term of the grant during the grant term.

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

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

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to purchase materials and supplies necessary to implement the program described in the file, and the funds are appropriated for that purpose.

Section 7. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland,

Ohio, 1976, for the requirements for the period of the grant term of the necessary items of equipment and supplies necessary to implement the program as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

Section 8. That the costs of the contract or contracts shall be charged against the proper appropriation accounts. The Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 9. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Health may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

Section 11. That the costs of the contract or contracts shall be paid from the proceeds of the grant accepted under this ordinance and the revolving fund identified in Section 6 of this ordinance.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 893-06.

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 Substance Abuse and Mental Health Services Administration for the Drug Free Community Coalition Program; authorizing the director to enter into one or more contracts with various agencies or entities to implement the 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 \$100,000, and any other funds that may become available during the grant term from Substance Abuse and Mental Health Services Administration to conduct the Drug Free Community Coalition 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. 893-06-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 the Director of Public Health is authorized to enter into one or more contracts with agencies or entities to implement the grant as described in the file, payable from the fund or funds to which are credited the grant proceeds accepted under 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.

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

Ord. No. 895-06.

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 Ohio Emergency Management Agency for the Metropolitan Medical Response System Program; authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant; and authorizing the purchase by one or more requirement contracts of equipment, services, and supplies needed to implement the 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 \$227,592.00, from Ohio Emergency Management Agency to conduct the FY 05 Metropolitan Medical Response System (MMRS) 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 notice of award and grant agreement for the grant contained in the file described below.

Section 2. That the notice of award and grant agreement for the grant, File No. 895-06-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 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 enter into one or more contracts with various agencies, entities, or individuals to implement the grant as described in the file.

Section 5. 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 period of the necessary items of equipment, services, 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 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 6. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds of the grant accepted under this ordinance and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 7. 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 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 896-06.

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 Ohio Department of Public Safety for the Project Safe Neighborhood, Operation Safe Neighborhoods Program; authorizing the Director to enter into one or more contracts with various entities to implement the grant; and authorizing the purchase by one or more requirement contracts of equipment, services, and supplies needed to implement the 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 \$39,558, from the Ohio Department of Public Safety to conduct the Project Safe Neighborhood, Operation Safe Neighborhoods 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 notice of award and grant agreement for the grant File No. 896-06-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 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 enter into one or more contracts with the Cleveland Workforce Development, Partnership for a Safer Cleveland, the Cuyahoga County Sheriff's Department, and the Cuyahoga Metropolitan Housing Authority to imple-

ment the grant as described in the file, payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

Section 5. 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 period of the necessary items of equipment, services, 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 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 6. That the costs of the requirement contract or contracts shall be paid from the fund or funds to which are credited the proceeds of the grant accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 7. 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 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 897-06.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Property to enter into an agreement with the Flats Oxbow Association to co-sponsor the City's Independence Day celebration and to produce, organize, promote, and market the event in the Flats for 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 the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Flats Oxbow Association to co-sponsor the City's Independence Day celebration and to produce, organize, promote, and market the event in the Flats for 2006. The agreement shall provide, among other things, that the Flats Oxbow Association will provide a fireworks display, obtain necessary insurance, advertise and market the event in conjunction with the City of Cleveland, and will reimburse the City up to \$10,000 for providing certain EMS, fire, street, and waste collection services.

Section 2. That the agreement shall be prepared by the Director of Law.

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

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

Ord. No. 898-06.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future commercial development between Broadway Avenue and Ontario Street north of Carnegie Avenue for the Department of Community Development.

Whereas, the Director of Community Development has requested the purchase of property which is located between Broadway Avenue and Ontario Street north of Carnegie Avenue for future commercial development; and

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

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

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

LEGAL DESCRIPTION
PPN 101-32-037

Parcel to be conveyed from
The Board of County
Commissioners of Cuyahoga
County, Ohio

Situated in the City of Cleveland,
County of Cuyahoga and State of

Ohio, and known as being part of Sublot Number 82 in A. W. Walworth's Subdivision of part of Original Two Acre Lot No. 117, as shown by the recorded plat in Volume "P" of Deeds, Page 558 of Cuyahoga County Records, said parcel being further bounded and described as follows:

Beginning at the intersection of the centerline of Ontario Street, 99 feet wide, and the centerline of Eagle Avenue S.E., 66 feet wide (a stone monument was found distant 1.26 feet South and 0.86 feet West of said point);

thence South 00°-03'-00" West along the centerline of Ontario Street, a distance of 407.36 feet to a point;

thence North 89° 51' 25" East, along a line drawn parallel with and distant 90.00 feet northerly by rectangular measurement from the centerline of Carnegie Avenue S.E., 99 feet wide, a distance of 49.50 feet to its intersection with the easterly line of Ontario Street and the PRINCIPAL PLACE OF BEGINNING of the parcel herein described;

Course No. 1: thence North 00° 03' 00" East along the easterly line of Ontario Street, a distance of 19.84 feet to the northwesterly corner of land conveyed to the Board of County Commissioners of Cuyahoga County, Ohio by deed dated June 25, 1936 and recorded in Volume 4632, Page 298 of Cuyahoga County Records (a drill hole was found distant 0.12 feet South and 0.04 feet West of said point);

Course No. 2: thence South 89° 57' 00" East along the northerly line so conveyed to the Board of County Commissioners of Cuyahoga County, Ohio, a distance of 118.56 feet to a point on the southwesterly line of Broadway S. E., 99 feet wide;

Course No. 3: thence South 24° 32' 36" East along the southwesterly line of Broadway S.E., a distance of 21.34 feet to its intersection with a line drawn parallel with and distant 90.00 feet northerly by rectangular measurement from the centerline of Carnegie Avenue S.E., as aforesaid;

Course No. 4: thence South 89° 51' 25" West along said parallel line, a distance of 127.45 feet to the principal place of beginning, containing 0.0554 acres of land more or less, as surveyed in November of 2005 by Timothy J. Feller, Registered Professional Land Surveyor No. 7104 for and on behalf of McSteen & Associates, Inc. under Project No. 05-416 and is subject to all legal highways and easements of record. The basis of bearings for this legal description is North 89° 51' 25" East as the centerline of Carnegie Avenue S.E., as evidenced by monuments found, and is the same bearing as found in the Map of Consolidation For The Greater Cleveland Domed Stadium Corporation, recorded in Volume 248 of Maps, Page 88 of Cuyahoga County Records.

Section 2. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, ap-

praisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed \$10.00, and other valuable considerations, which is determined to be fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 01-800101-638000.

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

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

Ord. No. 899-06.

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

An emergency ordinance to amend Sections 327.99, 367.99 and 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 486-04, passed October 11, 2004, relating to penalties for the housing, zoning, and building codes.

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

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

Section 1. That Sections 327.99, 367.99 and 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 486-04, passed October 11, 2004, are amended to read as follows:

Section 327.99 Penalty

(a) Except as provided in divisions (c) and (d) below, any person, firm or corporation who violates any of the provisions of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or imprisoned for not less than ten days, nor more than ninety days, or both. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist under notification thereof.

(b) The imposition of any penalty under this division shall not be construed as excusing or permitting the continuance of any violation, and when the violation constitutes a nuisance, any owner of the premises, whether the owner at the time the violation was committed or his assignee, shall be deemed guilty of a violation of this Zoning Code each day he permits such nuisance to continue unabated after due notice from the Director of Building and Housing of the existence of such nuisance.

(c) Any person, firm, or corporation who violates any provision of

Section 337.16 of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00) which fine shall not be reduced, waived or suspended. In addition, imprisonment for not less than ten days nor more than ninety days may be imposed. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(d) Whoever violates Sections 337.23, 347.02, 347.10, 349.02, 349.04, 349.13, 350.19, 357.13 or, 357.14 or Section 347.08 as a first offense of that section shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(e) Whoever violates Section 347.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days, or both. Whoever violates Section 347.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

Section 367.99 Penalty

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply with this Housing Code or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Housing Inspector at a reasonable hour, and whoever interferes with, obstructs, hinders or delays such housing inspector while attempting to make such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Whoever causes or permits the continuation of any violation of this Code or any rule or regulation promulgated hereunder or fails to comply with this Housing Code or with any written notice or written order issued hereunder, subsequent to conviction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was had.

(b) Whoever violates Section 367.11 shall be fined not less than two hundred fifty dollars (\$250.00)

nor more than five hundred dollars (\$500.00) for each offense thereof.

(c) Whoever violates Section 367.12 or 367.13 shall be guilty of a misdemeanor of the first degree.

(d) Whoever violates Section 371.01 shall receive a mandatory fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(e) Whoever violates Sections 369.13, 369.14, 369.15, 369.16, 369.17, 369.18, 369.19, 371.05, 371.07, 371.10 or 371.13 or Section 369.08 as a first offense shall be fined not more than one fifty hundred dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates Sections 392.02, 392.03, 392.04, 392.05 or 392.06 is subject to the penalty established in Section 392.99 of these Codified Ordinances. In addition to any other means of enforcement provided for in these Codified Ordinances by statute, Sections 392.02, 392.03, 392.04, 392.05 or 392.06 may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Rules of Criminal Procedure, provided that the offense is a minor misdemeanor.

(f) Whoever violates Section 369.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days or both. Whoever violates Section 369.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(g) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Housing Code to pay to the City's Department of Building and Housing, fees for inspections of violation that have not been remedied, which fee is described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

Section 3103.99 Penalty

(a) Whoever violates any provision of this Building Code for which no other penalty is provided or any rule or regulation or order promulgated thereunder, or any code adopted herein, or fails to comply with the lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six (6) months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(b) Whoever violates Sections 3103.10, 3105.01, 3105.02, 3105.05, 3109.11, 3125.01, 3101.11, 3113.03, 3113.10, 3113.16 or division (e) of Section 3101.10 as a first offense of

those sections shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) As provided by RC 2901.23 and 2929.31, organizations convicted of an offense shall be fined not more than five thousand dollars (\$5,000.00) for a misdemeanor of the first degree.

(d) Whoever violates Sections 3101.11, 3113.03, 3113.10, 3113.16 or division (e) of Section 3101.10 as a second offense of those sections shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days, or both. Whoever violates Sections 3101.11, 3113.03, 3113.10, 3113.16 or division (e) of Section 3101.10 as a third or subsequent offense of those sections shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(e) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Building Code, to pay to the City's Department of Building and Housing, the fee for inspection of violations that have not been remedied, which fee is described in Sections 3103.09 and 3105.26, and the expenses or costs incurred under Section 3103.09 for the removal, repair, alteration, securing or boarding of a building or structure.

Section 2. That existing Sections 327.99, 367.99 and 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 486-04, passed October 11, 2004, are repealed.

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

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

Ord. No. 900-06.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with 5250 Tradex Parkway, LLC, dba Warwick Products, Co. to provide economic development assistance to partially finance the acquisition of a commercial building located at 5250 Tradex Parkway and other associated costs necessary to acquire the property.

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 contract with 5250 Tradex Parkway, LLC, dba Warwick Products, Co. to provide economic development assistance to partially finance the acquisition of a commercial building located at 5250 Tradex Parkway and other associated costs necessary to acquire the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 900-06-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 are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Thousand Dollars (\$300,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103699.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 901-06.

By Council Members Lewis and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more health care brokers or one or more firms of health care brokers to explore options for employee health care coverage for 2007.

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 Personnel and Human Resources is authorized to employ by contract or contracts one or more health care brokers or one or more firms of health care brokers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide services necessary to explore options for employee health care coverage for 2007.

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

Section 2. That the agreement or agreements shall provide that there shall be no cost to the City of Cleveland for the broker services.

Section 3. That the agreement or agreement shall be prepared by the Director of Law.

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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 903-06.

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

An emergency ordinance to amend Sections 209.05 and 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to collection of costs from abatement of nuisances and unsafe structures.

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 209.05, as amended by Ordinance No. 318-06, passed March 20, 2006, and

Section 3103.09, as amended by Ordinance No. 1189-04, passed June 14, 2004, are amended as follows:

Section 209.05 Costs of Abatement; Liens on Property

(a) The Director of Parks, Recreation, and Properties, or his designee, after abating a nuisance under this Chapter shall bill the owner of the property for reimbursement of the costs of abatement. The bill shall be mailed to the owner's last known address, when the name and address of the owner are known.

(b) Costs that may be billed include inspection, records research, notification, **collection agency fees**, if any, and billing. A schedule of the costs shall be on file in the office of the Director of Parks, Recreation, and Properties, open for public inspection, and shall be published at least once in the City Record.

(c) If a bill is not paid within 30 days, or if the name or address of the owner is not known, the Director of Parks, Recreation, and Properties may certify that fact to the Commissioner of Assessments and Licenses. The Commissioner **may** make a written return to the County Auditor of the action under this Chapter, including a statement of the costs of the abatement services and a description of the property sufficient to allow the costs to become a lien on the property. **If the Commissioner makes a return to the County Auditors, then the lien on the property shall be collected in the same manner as other taxes and returned to the City general fund in accordance with Revised Code Chapter 731.**

(d) Nothing in this Section shall prevent the Director of Law from taking any other action necessary to collect the costs of abatement described by this Section.

Section 3103.09 Unsafe Structures and Exterior Property Nuisances; Violations and Remedial Notices; Cost Recovery

(a) *Legislative Findings.*

Council of the City of Cleveland finds that:

(1) Structures that are vacant and open to entry at doors, windows or other points accessible to the general public:

- A. Attract children to enter;
- B. Become harborage for vermin;
- C. Serve as temporary abode for derelicts, vagrants and criminals; and
- D. Are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept grounds surrounding vacant, open structures invite the dumping of garbage and rubbish;

(3) Thousands of structures in this City are made of wood-frame construction that is more combustible than other building types;

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one

another, increasing the risk of conflagration and spread of insect and rodent infestation;

(5) Population loss and economic decline experienced by the City in recent years has caused the incidence of vacant, open structures, high grass, weeds, junk, debris, and junk motor vehicles to increase significantly;

(6) **Vacant**, open structures often become dilapidated because they are not repaired by the owners or persons in control of the structures;

(7) Structures that are vacant and open to entry, high grass, weeds, junk, debris, and junk motor vehicles depress the market value of surrounding properties;

(8) The existence of certain hazardous conditions may require a structure to be vacated; **these** conditions include but are not limited to:

- A. Danger of structural collapse;
- B. Inadequate heat or use of dangerous heating mechanism;
- C. Danger of fire; and
- D. Lack of plumbing in safe working order.

(9) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property values, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners.

(10) The following conditions provide harborage and breeding grounds for pests or otherwise create human-health problems:

- A. Grass over 8 inches in height.
- B. Noxious weeds including Russian, Canadian, or common thistle; wild lettuce; wild mustard; wild parsley; ragweed; milk weed; iron weed; wild plants that can cause skin reaction upon contact or produce or aggravate hay fever, asthma, allergic respiratory reaction, or similar conditions; and all other noxious weeds.

C. Refuse, including **but not limited to**, trash, junk, garbage and food waste, offal, animal wastes, tires, and all other waste materials.

D. Stagnant surface water.

(11) As used in this Chapter, "junk motor vehicle" means a motor vehicle that meets all of the following criteria:

- A. Three model **years'** old or older;
- B. Apparently inoperable; and
- C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, motor, or transmission. (R.C. §505.173)

(b) *Declaration of Nuisance.*

(1) All buildings or structures that are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or constitute a fire hazard, or are vacant and open to public entry, or are otherwise dangerous to human life or injurious to the public, or in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purposes of this Building Code, declared to be "unsafe structures." All unsafe structures or conditions are declared

to be public nuisances. The public nuisance shall be abated by correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(2) The conditions listed in division (a)(10) of this section are declared to be nuisances that shall be removed, destroyed, or abated from any property on which they are found.

(3) Junk motor vehicles as defined in division (a)(11) of this section are declared to be nuisances that shall be removed or abated from any property on which they are found. Junk motor vehicles are declared to be a nuisance because:

- A. They harbor rodents, vermin, and other pests;
- B. They contain toxic substances and flammable liquids and fumes;
- C. They attract children to enter;
- D. They serve as temporary abode for derelicts, vagrants and criminals;
- E. They diminish neighboring property values; and
- F. They are likely to be damaged by vandals or set ablaze by arsonists.

(c) *Effective Boarding Pending Rehabilitation.*

(1) *Permits.* Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and the Ohio Administrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within 3 days of receiving a notice of violation, to the **Department of Building and Housing** for a permit to board. The **Department of Building and Housing** shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within 3 days of the issuance of a boarding permit, or within **any** other time limit that the Director deems appropriate. Structures that are boarded without first obtaining a boarding permit **or structures that do not comply with the boarding permit** shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit **under** Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director may grant an extension of time for acquiring a rehabilitation permit **on** the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit **after** effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

(2) *Materials.* The effective boarding of a structure shall include, but not be limited to, doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. **The** openings shall be secured by plywood, not less than 1/2" thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches wide shall be framed with 2" x 4" lumber and plywood, or equivalent material fastened twenty-four inches on center onto frame. The plywood or equivalent material shall be fastened into the openings by screw type nails or lag screws.

(3) *Maintenance.* Upon effectively boarding the structure, the owner shall monitor and maintain the structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior structure **that** is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound, shall be removed or treated in a manner so as to eliminate the hazard. The exterior premises shall be maintained free of high weeds, debris, junk vehicles, and conditions that may provide harborage for rodents. Failure of the owner to properly maintain the building in the above condition, will result in the structure being deemed a public nuisance, and scheduled for demolition.

(4) *Rehabilitation.* Rehabilitation of the structure shall **begin** within 30 days of receiving a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976 unless the time period is extended with permission from the Director. If rehabilitation of the effectively boarded structure does not **begin** within this time period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Director may declare that the nuisance has not been abated and schedule the structure for demolition.

(d) *Examination and Condemnation.*

(1) The Director is authorized to examine or cause to be examined every building or other structure reported to be unsafe or damaged or injurious to or a menace to the public, and shall make a written record of **the** examination.

(2) The Director may designate as a public nuisance those particular structures or conditions found to be unsafe **under** division (b) of this section.

(3) The Director may also declare that a nuisance structure which, due to its advanced state of dilapidation, substantial fire damage or structural infirmity, is an immediate hazard to human life or health, may only be abated by immediate repair and rehabilitation to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(4) Whenever the Director finds a vacant structure open to entry at

doors, windows or other points accessible to the general public, he may cause the structure to be secured at those points of entry. The Director shall be authorized at any time to enter the premises to secure the structure in order to lessen the severity of the public nuisance. In securing the structure, the Director may call any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure. This securing shall not be deemed to constitute "effective boarding" under division (b) of this section, and it does not abate the nuisance condition of an unsafe structure, as declared under division (d)(2) of this section, unless so declared in writing by the Director. Later notice, issued under division (e)(1) below, shall include the fact that the Director has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation.*

(1) Whenever the Director finds a building, structure or a portion of those to be unsafe and determines it or the property on which it is located to be a public nuisance as defined in this Chapter, he shall forward by certified mail to the owner, agent or person in control of the building, structure or portion and to any mortgagee of record a written notice of violation stating the defects in the building or structure. The notice of violation shall require the owner within a stated time to abate the nuisance condition of the building or structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition and removal of the building, structure, or a portion of those. The notice also shall state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs. The handing of the violation notice to the owner, agent or person in control of the building, structure or a portion of those shall be deemed actual notice and is legal and valid service and no other form of service is necessary.

(2) If the person to whom the notice and order is addressed is not found after a reasonable and diligent search, then the notice and order shall be sent by certified mail to his tax mailing address, if available, as indicated on the County tax duplicate, and a copy of the notice shall be posted in a conspicuous place on the premises to which it relates. The mailing and posting shall be deemed legal service of the notice.

(3) An owner, agent or person in control of the structure or building, a mortgagee of record, or a lien holder of record who has received a notice of violation or a notice to make corrections to the minimum standards of the Codified Ordina-

nances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or to demolish and remove, as provided for in this section, shall inform prospective purchasers, vendees, grantees, assignees, lessees, or land contractees of the notice of violation or the notice to make corrections, or to demolish and remove. No person shall transfer to a vendee, grantee, assignee, lessee, land contractee or any other transferee any interest in a building, structure or a portion of those after receiving a notice of violation to make corrections, or to demolish and remove the same, without first providing the transferee with a copy of the notice.

(4) A. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Revised Code, including the Ohio Building Code, or any outstanding notice to demolish and remove.

No buyer or grantee, by land contract or otherwise, shall obtain any interest in any structure or building without obtaining from the seller, prior to sale, the documents described above.

B. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a structure or building situated in the City, shall disburse any funds unless the provisions of this division have been met.

C. Any buyer or grantee, by land contract or otherwise, of a structure or building, shall begin at the date of transfer to comply with any notice or order obtained or to be obtained under this division and, within ten days of the date of transfer, shall notify the Director, in writing, of the actions that will be taken to comply. The Director may then establish a reasonable time to comply.

(f) *Vacating Buildings and Prohibiting Use.* The Director may also require in the notice issued under division (e)(1) of this section that the building, structure or a portion of those be vacated, not be reoccupied, or used until the specified repairs and improvements are completed, inspected, and approved by the Director. The Director may cause to be posted at each entrance to the building or structure a notice as follows: "THIS STRUCTURE IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING." The notice shall remain posted until the required corrections are made or demolition is completed. No person shall remove the notice without written permission of the Director, nor shall any

person use or enter the building or structure except for the purpose of making the required corrections or demolishing or effectively boarding the building or structure, or securing the structure under division (d)(4) of this section.

(g) *Right to Appeal.* The owner, agent or person in control shall have a right to appeal from the notice and decision of the Director as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he should not comply with the notice. Any notice served by the Director shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in the notice from the Director. In the absence of an appeal, all actions taken shall constitute a valid exercise of the police powers of the City of Cleveland.

(h) *Noncompliance with Notice.*

(1) *Director Authorized To Demolish, Remove, or Abate.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, the Director may take appropriate action to demolish and remove an unsafe structure or to remove or abate any condition that is defined as a nuisance under this Chapter.

(2) *Action by Director of Law.* The Director may advise the Director of Law of the facts in the case, who may institute appropriate action in the court to cause correction of the violations and defects, or demolition and removal, or effective boarding of the building or structure pending rehabilitation.

(3) *Rehabilitation Permits Not Bar To Director's Action To Abate.* The securing of rehabilitation permits for the building or structure shall not in and of itself bar the Director from taking action to abate the nuisance.

(4) *Effective Boarding by Director.* The Director may, with respect to any condemned structure, also take appropriate action to effectively board the structure, or to secure it under division (d)(4) of this section. The Director shall specifically state in writing his findings with respect to the structure, and shall determine whether to secure or to effectively board, based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent to which the structure is secured, the likelihood of vandalism or arson, the extent of the deterioration, the economic likelihood of eventual rehabilitation of the structure, or cost of securing or effectively boarding the structure.

(5) *Failure To Comply with Notice.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a por-

tion of those, or to remove or abate any other condition that is defined as a nuisance under this Chapter, the Director may take appropriate action to take repair or maintenance measures or to otherwise abate the public nuisance. The Director shall specifically state in writing the findings with respect to the structure, and shall determine whether to perform repair or maintenance based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

(6) *Notice of Intent To Demolish.* Except as provided in **division (i) of this section**, the Director shall give written notice informing the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove the unsafe building or structure at least 30 days before the intended action by the City. The notice may be effective concurrently with the violation notice. A condemned structure, once effectively boarded by the owner pending rehabilitation that later becomes open to entry, may then be demolished and removed, subject to the Director giving written notice as stated in divisions (e)(1) and (h) of this section, upon a finding by the Director that the structure can no longer be effectively boarded.

(i) *Junk Motor Vehicle Removal.*

(1) *Notice.* The Director shall send written notice, by certified mail with return receipt requested, to the person having the right of possession of the property on which a junk motor vehicle, as defined in this Chapter, is left. This notice shall notify the person having right of possession of the property that within ten days of mailing of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or removed from the property. The notice shall also be posted in a conspicuous place on the property.

(2) *Director Authorized To Remove Junk Motor Vehicles.* The Director is authorized to provide for and order the removal of a junk motor vehicle when the junk motor vehicle has not been either covered by being housed in a garage or other suitable structure or removed from the property, within ten days of the date of mailing and posting of the notice as set forth above.

(j) *Cases of Emergency.* In cases of emergency that, in the opinion of the Director, involve immediate danger to human life or health, the Director shall promptly cause the building, structure or a portion of those to be made safe or removed. For this purpose he may at once enter the structure or land on which it stands, or any abutting land or structure, with assistance and at the cost as he deems necessary. He may request the Director of Public Safety to enforce the orders he gives that are necessary to cause the building, structure or a portion of those to be made safe or removed. The Director of Public

Safety has the authority to enforce the orders. He may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or other means as may be necessary, and for this purpose may close a public or private way.

(k) *Costs.*

(1) Any and all expenses or costs incurred under this section for the removal, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance shall be paid by the owner of such building or structure, except when such expenses or costs are incurred with respect to a government or school building owned by a governmental entity or political subdivision and are funded by federal money. **In the case of a junk motor vehicle, any and all expenses or costs incurred under this section to remove the vehicle shall be paid by the person having the right of possession of the premises where the vehicle is located.**

(2) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code, or the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, a fee of \$100.00 shall be charged for each inspection, except that this fee shall not apply to one-family and two-family owner-occupied dwelling structures.

(3) **If within 30 days from the date the Director of Building and Housing sends a statement of charges and costs incurred, the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied, or the person having possession fails to pay for the cost of removing a junk vehicle, the Director may certify the amount to the Commissioner of Assessments and Licenses, including collection agency fees.** The Commissioner of Assessments and Licenses may make written return to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon the lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting under **Section 715.261 of the Revised Code.**

(4) Notwithstanding the method of collection set forth in this division, the Director of Law may take any action necessary to collect the costs of demolition, boarding, or other nuisance abatement from the owner or other responsible party.

Section 2. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976: Section 209.05, as amended by Ordinance No. 318-06, passed March 20, 2006, and

Section 3103.09, as amended by Ordinance No. 1189-04, passed June 14, 2004, are repealed.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 904-06.

By Council Members Polensek, Cimperman, Zone, Dolan, Santiago, Brancatelli, Conwell, Turner, Johnson, White and Reed.

An emergency resolution urging the National Football League to consider the City of Cleveland and the Cleveland Browns to host the 50th Annual Super Bowl at Cleveland Browns Stadium in 2016.

Whereas, the City of Cleveland has a long and memorable history of hosting professional football games; and

Whereas, the rich tradition of the Cleveland Browns boasts 15 members in the Pro Football Hall of Fame in Canton, Ohio; and

Whereas, the Cleveland fans have always loyally supported the team and the National Football League; and

Whereas, discussions are currently underway with architect Bob Corna to determine the feasibility of constructing a retractable dome on Cleveland Browns Stadium located on Cleveland's lakefront; and

Whereas, the National Football League has recently approved the application of Kansas City, Missouri, to host a future Super Bowl conditioned on the construction of a retractable dome over their present facility; and

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

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

Section 1. That this Council urges the National Football League to consider the City of Cleveland and the Cleveland Browns to host the 50th Annual Super Bowl in 2016.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to the National Football League.

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

Referred to Director of Law; Committee on Finance.

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

Ord. No. 864-06.

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

An emergency ordinance to vacate a portion of Webster Avenue and East 10th Street.

Whereas, under Resolution No. 1258-05, adopted August 3, 2005, this Council declared its intention to vacate a portion of Webster Avenue and East 10th Street; 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 20, 2006 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 portions 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 Webster Avenue S.E. (60 feet wide) extending Easterly from the Easterly line of East 9th Street (99 feet wide) to that portion of Webster Avenue vacated by the Council of the City of Cleveland by Ordinance Number 2625-88 passed on December 19, 1988 and all that portion of East 10th Street (15 feet wide) extending Southerly from the Southerly line of Carnegie Avenue S.E. (99 feet wide) to the Northerly line of Webster Avenue S.E. (60 feet wide).

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

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

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 and the City of Cleveland.

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 resolution to the Auditor of Cuyahoga County.

Section 5. 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.

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

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

Ord. No. 894-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance to supplement Ordinance No. 1067-00, passed June 11, 2001, as amended by various ordinances, by adding new Sections 6a, 6b, 6c, and 6d relating the prepayment of a Section 108 loan with the Cleveland Health Education Museum, now known as "Healthspace."

Whereas, under the authority of Ordinance No. 977-94, passed June 13, 1994, the Mayor applied for funds from the United States Department of Housing and Urban Development ("HUD") to implement the Empowerment Zone/Enterprise Community Program; and

Whereas, from time to time, the City entered into contracts with HUD for loan guarantee assistance under Section 108 of the Housing and Community Development Act of 1974, as amended; and

Whereas, in August 2002, the City executed a \$27,000,000 principal amount fixed rate note for Series 2002-A Certificates issued by HUD ("2002-A Certificate Note") under HUD's Section 108 program, and executed a contract for loan guarantee assistance under Section 108 of the Housing and Urban Development Act of 1974, as amended; and

Whereas, under the authority of Ordinance No. 1067-00, passed June 11, 2001, as amended by Ordinance No. 2036-01, passed December 3, 2001, the Director of Economic Development was authorized to enter into a Section 108 loan and an economic development initiative grant agreement with the Cleveland Health Education Museum (now known as "Healthspace") for a \$5,000,000 loan and a \$1,250,000 grant to construct a new, expanded museum facility; and

Whereas, on March 18, 2002, the City and Healthspace entered into City Contract No. 59116, a HUD 108 Loan and Economic Development Initiative Grant Agreement, and Healthspace executed a promissory note dated March 18, 2002, with the promissory note coterminous with the Series 2002-A Certificate Note and contract for loan guarantee assistance signed by the City; and

Whereas, Healthspace is experiencing financial distress and has requested that the City accept a prepayment of the \$5,000,000 Section 108 loan in an amount that will defease \$5,000,000 of the City's obligation to HUD under the Series 2002-A Certificate Note and contract for loan guarantee assistance; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That Ordinance No. 1067-2000, passed June 11, 2001, as amended by Ordinance No. 2036-01, passed December 32, 2001, is supplemented by adding new Sections 6a, 6b, 6c and 6d to read as follows:

Section 6a. That as an alternative to acceptance of loan repayments described in Section 6, the Director of Finance, or his or her designee, is authorized to accept from Healthspace or from a third party on behalf of Healthspace, an amount in cash, securities, or both, that will discharge the City's obligation to HUD under the 2002-A Certificate note and contract for loan guarantee assistance arising out of the loan authorized by Section 1, together with all other sums that shall become due because of the optional early redemption and defeasance, or both, of the City's obligation to HUD, including but not limited to any early optional redemption fee, trustee's fee, escrow agency fee, fees for purchasing securities, verification agent fees, transfer agent fees, or any other cost or fee incurred by the City as a result of the defeasance of the City's obligation to HUD under the 2002-A Certificate Note and contract for loan guarantee assistance arising out of the loan authorized by Section 1.

Section 6b. That the Director of Finance, or his or her designee, is authorized to transfer cash, securities, or both described in Section 6a to HUD's designee, the JP Morgan Chase Bank, for placement in a defeasance account to defease the City's obligation to HUD under the 2002-A Certificate Note and contract for loan guarantee arising out of the loan authorized by Section 1, together with any applicable costs.

Section 6c. That upon receipt of a release executed by HUD of the City's obligation to HUD under the 2002-A Certificate Note and contract for loan guarantee arising out of the loan authorized by Section 1 in a form acceptable to the Director of Law, the loan from the City to Healthspace shall be deemed to be discharged in full.

Section 6d. That the Director of Finance is authorized to the extent necessary or required to enter into any agreements determined necessary to cause the defeasance of the City's obligation to HUD under the 2002-A Certificate Note and contract for loan guarantee arising out of the loan authorized by Section 1.

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.

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

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

Ord. No. 905-06.**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 effective October 1, 2005 to April 1, 2007 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 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.

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

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

Ord. No. 906-06.**By Council Member Turner.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Harvard Community Services Center for a Senior Citizen Support Services Program through the use of Ward 1 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 enters into an agreement with the Harvard Community Services Center for a Senior Citizen Support Services Program for the public purpose of providing social support services to the senior citizen population in the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not

to exceed \$30,000 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.

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

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

Ord. No. 911-06.**By Council Member Cimperman.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the St. Clair-Superior Development Corporation to stretch banners on St. Clair between Norwood & Addison for the period from June 1, 2006 through June 30, 2006, inclusive, announcing the Slovenian Celebrations.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the St. Clair-Superior Development Corporation to install, maintain and remove banners on St. Clair between Norwood & Addison, for the period from June 1, 2006 through June 30, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 912-06.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Cats in the Flats 10K & 5K Run and 5K Walk, on September 17, 2006, sponsored by the CC Group at St. Ignatius High School.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cats in the Flats 10K & 5K Run and 5K Walk; beginning at West 30th just south of Lorain Avenue, Lorain to Gehring, Gehring to Abbey, Abbey to Columbus, Columbus to Carter, Carter to Scranton, Scranton to Kenilworth, Kenilworth past Tremont Park to Literary; Literary to Professor; Professor to Jefferson; Jefferson to Starkweather; Starkweather past Tremont Park to Scranton; Scranton to Willey; Willey to Train; Train to Scranton; at this point the course starts to double back to the start of the race; Scranton to Carter; Carter to Columbus; Columbus up the hill to Abbey; Abbey to Gehring; Gehring to Lorain; Lorain to St. Ignatius High School and West 30th Street and the finish of the race, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 913-06.**By Council Member Zone.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from June 1, 2006 to June 29, 2006, inclusive, publicizing the Church Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit and 7775 Detroit Avenue for the period from June 1, 2006 to June 29, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 859-06.

By Council Member Sweeney.

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

Whereas, this resolution constitutes an emergency measure 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 the schedule of meetings during the summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 12, 2006
August 9, 2006

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 11, 2006.

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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 902-06.

By Council Members Britt and Conwell.

An emergency resolution declaring the intent to vacate a portion of East 109th Street.

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 109th Street, as described; and

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

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

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

Declaring the intent to vacate a portion of East 109th Street (40 feet wide) extending southerly from the southerly right of way line of Deering Avenue S.E. (44 feet wide) and the southwesterly right of way of Stearns Road S.E. (width varies) to the northerly right of way line of Carnegie Avenue S.E. (86 feet wide).

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

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

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

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

Res. No. 907-06.

By Council Member Sweeney.

An emergency resolution opposing those provisions of Amended Substitute Senate Bill 7 relating to the Ohio Workers' Compensation Law that are detrimental to workers and supporting the efforts of those seeking voter rejection of those provisions of Amended Substitute Senate Bill 7.

Whereas, Amended Substitute Senate Bill 7 (Am. Sub. S.B. 7) was passed by the Ohio General Assembly on March 8, 2006, signed by Governor Bob Taft on March 28, 2006, filed with Secretary of State J. Kenneth Blackwell on March 31, 2006, and will become effective June 30, 2006 unless a Referendum is filed by that date; and

Whereas, Am. Sub. S.B. 7 revises provisions and enacts new provisions of the Ohio Revised Code relating to the Workers' Compensation Law; and

Whereas, many of the revisions and enactments adversely affect injured workers by either limiting or eliminating workers' rights under the law; and

Whereas, for example, Am. Sub. S.B. 7 eliminates a worker's ability to file a claim for psychological injury unless the worker personally experienced a physical injury; and

Whereas, Am. Sub. S.B. 7 eliminates a worker's ability to file a claim for an aggravation of a pre-existing condition unless the aggravation is substantial; and

Whereas, Am. Sub. S.B. 7 reduces the life of a Workers' Compensation claim from 10 to 5 years; and

Whereas, Am. Sub. S.B. 7 reduces the calculation for weekly benefits that are payable in certain permanent total disability cases; and

Whereas, Am. Sub. S.B. 7 reduces the ability to obtain statutory permanent total disability; and

Whereas, certain individuals and groups, including workers from the United Auto Workers Union, are seeking signatures in order to submit to the electors of the State of Ohio to determine whether certain provisions detrimental to workers should remain in the law; and

Whereas, when sufficient signatures are obtained and the measure goes to a vote on November 7, 2006, then the electors of the State of Ohio will decide whether the provisions that limit or eliminate workers' rights stay in the law or not; and

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

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

Section 1. That this Council hereby opposes those provisions of Amended Substitute Senate Bill 7 relating to the Ohio Workers' Compensation Law that are detrimental to workers and supports the efforts of those seeking voter rejection of those provisions of Amended Substitute Senate Bill 7.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to Governor Bob Taft, all members of the Ohio General Assembly representing Cuyahoga County and to the Chairman of the United Auto Workers Cuyahoga-Medina Community Action Program Council in Cleveland.

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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 908-06.

By Council Members Lewis, Sweeney, Zone, Santiago, White, Cimprman, Brancatelli, Britt, Pierce Scott, Coats, Conwell, Reed, Johnson, Polensek, Westbrook, Kelley, Turner and Dolan.

An emergency resolution calling upon the President of the United States and the United States Congress to extend the deadline until the end of the year, and eliminate the penalty to sign up for a Medicare prescription drug program.

Whereas, the deadline for seniors to sign up for a Medicare drug plan is midnight tonight, May 15, 2006; and

Whereas, under the law, Medicare beneficiaries who do not sign up for a drug plan by the May 15th deadline must wait until November 15th to sign up and will pay a penalty of 1 percent of their monthly premium per month for each month delayed; and

Whereas, the Medicare plan has dozens of prescription drug plans from which to choose, making it extremely confusing for many seniors to try to figure out which plan is best; and

Whereas, the law is so confusing for seniors that more time is needed for them to get an adequate understanding of the drug plans offered; and

Whereas, as of two days ago, more than 10 million seniors have not yet enrolled, including almost half-million in Ohio; and

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

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

Section 1. That this Council hereby calls upon the President of the United States and the United States Congress to extend the deadline until the end of the year and eliminate the penalty to sign up for a Medicare prescription drug program.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the President of the United States Senators DeWine and Voinovich and all U.S. Representatives from Ohio.

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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 909-06.

By Council Member Conwell.

An emergency resolution objecting to the transfer of liquor license of a C1 Liquor Permit to 11701 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a C1 Liquor Permit from Yasini, Inc., 11700 St. Clair Avenue, 1st floor and basement only, Cleveland, Ohio 44108, Permanent Number 9821036 to Yasini, Inc., DBA Russells Foods, 11701 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 98210360001; and

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

Whereas, the applicant does not

qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of liquor license of a C1 Liquor Permit from Yasini, Inc., 11700 St. Clair Avenue, 1st floor and basement only, Cleveland, Ohio 44108, Permanent Number 9821036 to Yasini, Inc., DBA Russells Foods, 11701 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 98210360001 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 910-06.

By Council Member Westbrook.

An emergency resolution objecting to a New C1 Liquor Permit at 9827-31 Denison Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New

C1 Liquor Permit at Yana Quraan, DBA Sam's Food Market & Deli, 9827-31 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 7184725; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Yana Quraan, DBA Sam's Food Market & Deli, 9827-31 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 7184725; 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1992-05.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Harlem Court to Lula Blevins.

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

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

Ord. No. 2204-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Federal Emergency Management Agency for the 2005 Assistance to Firefighters, Fire Prevention and Safety Grant; and to enter into one or more requirement contracts necessary for the purchase of materials, equipment, supplies, and training necessary to implement the grant.

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

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

Ord. No. 2211-05.

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

An emergency ordinance to amend Sections 1 and 5 of Ordinance No. 257-97, passed April 14, 1997, as amended by various ordinances, relating to expending Economic Development Initiative Grant and Section 108 Funds for the operation of the Empowerment Zone Business Opportunity Program and to enter into contracts under this program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance; when amended as follows:

1. In the title, line 2; in Section 1, line 1; and in Section 2, line 1, after "Sections 1" insert ", 2".

2. In Section 1, between amended Sections 1 and 5, insert the following:

"Section 2. That, any contract authorized in this ordinance shall not exceed \$155,000 to any single small business and shall receive the written approval of the Council person in whose ward the small business is located; the costs of the contract shall be paid from Fund Nos. 18 SF 003 and 18 SF 001, Request Nos. 22285 and 126237. Contracts for purposes of the Program in excess of \$155,000.00 may be approved by Council by appropriate legislation."

3. Insert new Section 3 to read as follows:

"Section 3. That the Director of Economic Development will report to Council every six months on the status of the Empowerment Zone."

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

Amendments agreed to.
The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 17-06.

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

An emergency ordinance to vacate a portion of the 1st Un-Named Alley, West of Pearl Road from Krather Road to its Northerly terminus.

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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 455-06.

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, Office on Violence Against Women, for the Cleveland Arrest Program; and authorizing the director to enter into one or more contracts with various entities to implement the program.

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

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

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.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance; when amended as follows:

1. In Section 2, line 3, strike "Request No. 103690", and insert **"Request No. 10394"**.

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

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

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

Ord. No. 572-06.

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 Playhouse Square Foundation to provide economic development assistance to partially finance the IdeaCenter Building located at 1375 Euclid Avenue, and other associated costs necessary to redevelop the property.

Referred to 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; when amended as follows:

1. In Section 3, line 3, strike "103691" and insert **"103695"**.

Amendment agreed to.
The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 610-06.

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

An emergency ordinance authorizing the Director of Public Safety to enter into Mutual Aid Agreement with Cleveland Clinic Police Department to enforce City traffic laws, parking regulations and traffic direction and control.

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

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

Ord. No. 649-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various medical supplies and equipment, for the Division of Emergency Medical Service, Department of Public Safety for the period of one year, with one option to renew for an additional one year term.

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

1. In the title, line 5, strike "for" and insert a period; and strike lines 6 and 7 in their entirety.

2. In Section 1, lines 3 and 4, strike "for the period of one year,

with one option to renew for an additional one year term" and insert "for a period of one or two years"; and at the end, add "The Director of Public Safety 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 Safety by comparing the bids received for both terms."

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 650-06.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Zoll Data Systems for the purchase of maintenance, including upgrades of RescueNet EMS Pro necessary to produce patient care run reports and for billing, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

Ord. No. 651-06.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Stryker Medical for maintenance on patient cots and stair chairs on rescue squads, for the Division of Emergency Medical Service, Department of Public Safety, for a period of one year.

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

1. In the title, lines 7 and 8, strike "for a period of one year" and insert a period.

2. In Section 1, lines 7 and 8, strike "for a period of one year" and insert "for a period of one or two years. The Director of Public Safety 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 Safety by comparing the bids received for both terms."

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 694-06.

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

An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 695-06.

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

An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.

Approved by Directors of Community Development, Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 696-06.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up Program.

Approved by Directors of Community Development, Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In Section 1, at the end, insert "A summary of CDBG Year 32 Demolition/Board-up costs are placed in File No. 696-06-A."

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 697-06.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with various agencies to implement the Program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 698-06.

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

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

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 738-06.

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

An emergency ordinance to amend Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to golf course fees.

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

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

Ord. No. 739-06.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Fair Housing Program; and authorizing the Director of Community Relations to enter into one or more contracts with various agencies to implement this program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 740-06.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

Approved by Directors of Aging, Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 741-06.

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

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

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 742-06.

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

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

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 743-06.

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

An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance; and authorizing the Director of Consumer Affairs to enter into one or more contracts with various entities to provide assistance to City residents.

Approved by Directors of Consumer Affairs, Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 745-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into agreements with Storefront Renovation Program applicants, and to enter into agreements to reimburse eligible administrative costs to community development corporations for implementation of the Storefront Renovation Program.

Approved by Directors of Consumer Affairs, Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 748-06.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Slavic Village Development to provide economic development assistance to finance the repair and upgrade of the Dolloff Road Municipal Parking Lot.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 780-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited to manage and implement the Cleveland Youth Fire Hydrant Painting Program.

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

1. In Section 1, at the end, add the following: **"That Youth Opportunities Unlimited shall use its best efforts to hire at least two persons from each ward for each session."**

Amendment agreed to.

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 199-06.

By Council Member Cimperman. An ordinance changing the Use District of property on the southwest corner of St. Clair Avenue and Old River Road (West 11th Street) as shaded on the attached map from a General Industry Use District to a General Retail Use District (Map Change No. 2174, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 200-06.

By Council Member Santiago.

An ordinance changing the Use and Area Districts of properties located on the southeast corner of Fulton Road and Meyer Avenue from a Two Family Residential District, a 'B' Area District to an RA2 Townhouse District (Map Change No. 2173, Sheet No. 2).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 707-06.

By Council Member Cimperman.

An ordinance to change the zoning of parcels on the north side Detroit Avenue between West 29th Street and West 45th Street from a Two Family Residential District to an Open Space and Recreation District (Map Change No. 2179; Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 718-06.

By Council Member Brady.

An ordinance to change the zoning of lands on the east and west sides of West 117th Street from Governor Avenue to Bellaire Road as shown on the attached maps (Map Change No. 2180 Sheet No. 2 and 12).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

**SECOND READING EMERGENCY
RESOLUTIONS ADOPTED**

Res. No. 828-06.

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

An emergency resolution declaring the intent to vacate a portion of Starkweather Ave., and portions of West 7th Street.

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

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

Res. No. 829-06.

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

An emergency resolution declaring the intent to vacate a portion of West 5th Street and a portion of Houston Avenue S.W.

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

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

JOURNAL CORRECTION

The Journal of May 10, 2006 (City Record Volume 93, page 869), is hereby corrected to reflect the passage of First Reading Ordinance No. 831-06, by inserting the following:

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 831-06.

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

An emergency ordinance giving consent of the City of Cleveland to the Board of Cuyahoga County Commissioners for the repair of the Warner Road Bridge No. 250 over Mill Creek; authorizing the Director of Public Service to enter into any relative agreement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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 Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: repair of the Warner Road Bridge No. 250 over Mill Creek (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the County 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 County 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;

(e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution; and

(f) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

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 County will arrange for its acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) 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.

(f) 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.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) 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.

(i) To the extent allowed by law, that the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions 5(a), 5(e), 5(f) and 5(h) of this section.

(j) If applicable, that stop signs affecting the movement of traffic on any street or highway 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 aforesaid manual are met.

(k) That no rule or regulation may be enacted restricting the use of the Improvement or structure by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

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

Section 7. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current Cuyahoga County standards for construction of County roads and bridges.

(b) That the County will arrange for the supervision and administration of the construction contract.

(c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items are approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

(d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

Section 8. That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement, and to enter into one or more agreements with

the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That the Clerk of Council is authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

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

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

MOTION

The Council Meeting adjourned at 8:25 p.m. to meet Monday, May 22, 2006 at 7:00 p.m. at the Earle B. Turner Recreation Center, 11300 Miles Avenue in Ward 2.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 10, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 10, 2006, at 10:30 a.m. with Director of Law Robert Triozzi presiding.

Present: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Absent: Mayor Jackson.
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. 159-06.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland that all bids received on February, 24, 2006 for the purchase of an estimated quantity of standard wire, all items, for the various divisions of City government, under the authority of Ordinance No. 241-06, passed by the Council of the City of Cleveland on February 27, 2006 are rejected.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 160-06.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland that the bid of The Wackenhut Corporation for an estimated quantity of unarmed, security guards services, all items for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on March 3, 2006, under the authority of Ordinance No. 2133-05, passed November 28, 2005, which on the basis of the estimated quantity would amount to \$386,604.38, 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 Nos. 127079 and 137783 which shall be certified against the contract in the sum of \$18,669.82.

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

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 161-06.

By Interim Director Ciaccia.

Whereas, by the Board of Control of the City of Cleveland, under the authority Ordinance No. 814-05, passed by the Council of the City of Cleveland on June 6, 2005, and Board of Control Resolution No. 668-05, adopted November 30, 2005, the City of Cleveland entered into City Contract No. 65302 with Camp, Inc.

to develop and implement a comprehensive Human Resources Enhancement Plan (HREP); and

Whereas, on February 27, 2006, Camp, Inc. requested the City's consent to its change of name to Manufacturing Advocacy & Growth Network Inc. and assignment of all Camp, Inc. obligations and interests under City Contract No. 65302 to Manufacturing Advocacy & Growth Network Inc.; and

Whereas, Manufacturing Advocacy & Growth Network Inc. proposes to undertake all obligations of Camp, Inc. under City Contract No. 65302 and represents that assignment shall not waive any of Camp, Inc.'s obligations or the City's rights; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges, and authorizes the Director of Public Utilities to consent to, the legal name change of Camp, Inc. to Manufacturing Advocacy & Growth Network Inc. and to the assignment of City Contract No. 65302 from Camp, Inc. to Manufacturing. Advocacy & Growth Network Inc.

Be it further resolved that the Director of Public Utilities is authorized to execute all documents and do all things necessary to implement the consent to the assignment of City Contract No. 65302 authorized above. A copy of the consent to assignment and the assignment of Contract No. 65302 shall be filed with the original of the contract in the custody of the Commissioner of Accounts.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 162-06.

By Interim Director Ciaccia.

Whereas, under the authority of Ordinance No. 354-05, passed by the Council of the City of Cleveland on April 4, 2005, and Resolution No. 412-05, adopted by this Board on August 10, 2005, the City, through its Director of Public Utilities, entered into City Contract No. 64754 with H2N Design, Inc. to provide the professional services necessary to design, layout, produce, and distribute 2004 and 2005 Annual Reports and other customer public information and promotional materials, for the Division of Water, Department of Public Utilities; and

Whereas, the City requires additional logo design, including but not limited to emboss, die cut, and etc. for the design production of the 2005 Annual Report; and

Whereas, H2N Design, Inc. has proposed by its memorandum the necessary additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a first modification to City Contract No. 64754 with H2N Design, Inc., on the basis of H2N Design, Inc.'s January 25,

2006 proposal, for the above-mentioned additional services and increasing the dollar amount of the contract by \$14,244.91 to \$153,544.91.

Be it further resolved that that the Director of Public Utilities is authorized to execute all documents and to do all things necessary to effect the first modification to Contract No. 64754 authorized above.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 163-06.

By Director Mok.

Whereas, by the Board of Control of the City of Cleveland, under the authority of Ordinance No. 710-95, passed by the Council of the City of Cleveland on June 12, 1995, and Board of Control Resolution Nos. 235-03, 417-04, and 547-05, adopted on April 23, 2003, July 7, 2004 and September 28, 2005, respectively, the City of Cleveland entered into City Contract No. 61324 with Reed & Associates, LLC to supplement the regularly employed staff of the several departments of the City to provide financial advisory services, and first and second modifications to the agreement; and

Whereas, on May 1, 2006, Reed & Associates, LLC requested the City's consent to its change of name to Reed, Mandes & Associates, LLC and assignment of all Reed & Associates, LLC obligations and interests under City Contract No. 61324 to Reed, Mandes & Associates, effective March 15, 2006; and

Whereas, Reed, Mandes & Associates, LLC proposes to undertake all obligations of Reed & Associates, LLC under City Contract No. 61324 and represents that assignment shall not waive any of Reed & Associates, LLC's obligations or the City's rights; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that is Board acknowledges and authorizes the Director of Port Control to consent to the legal name change of Reed & Associates, LLC to Reed, Mandes & Associates, LLC and to the assignment of City Contract No. 61324 from Reed & Associates, LLC to Reed, Mandes & Associates, LLC, effective March 15, 2006.

Be it further resolved that the Director of Port Control is authorized to execute all documents and do all things necessary to implement the consent to the assignment of City Contract No. 61324 authorized above. A copy of the consent to assignment and the assignment of Contract No. 61324 shall be filed with the original contract in the custody of the Commissioner of Accounts.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 164-06.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that under Ordinance No. 818-05, passed by Cleveland City Council on May 23, 2005, the firms of Kevin L. Penn, Inc., Barnes Wendling, and Dingus & Daga are selected upon the nomination of the Director of Port Control, as determined after a full and complete canvass, as the firms to be employed for the purpose of providing auditing services for the various divisions of the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into contracts with Kevin L. Penn, Inc., Barnes Wendling, and Dingus & Daga based on their proposals submitted December 23, 2005, which contracts shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for aggregate fees not exceeding \$2,400, \$4825, and \$8700, respectively, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 165-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Radio Satellite Integrators, Inc, for an estimated quantity of automatic vehicle location upgrade, items 1 through 4, for the Division of EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on April 26, 2006, under the authority of Ordinance No. 1086-04, passed by Cleveland City Council on August 11, 2004, which on the basis of the estimated quantity would amount \$239,815.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 151265 as specified,

which shall be certified against such contract in the sum of \$239,815.00.

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

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti,

Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 166-06.

By Director Cox.

Whereas, under the authority of Ordinance No. 1641-05, passed February 13, 2006, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to convey a non-exclusive, permanent easement interest, no longer needed for public use, to Dominion East Ohio Gas, at a price of \$1.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1641-05, passed by the Council of the City of Cleveland on February 13, 2006, the Commissioner Purchases and Supplies is directed to convey a non-exclusive, permanent easement interest, no longer needed for public use, to Dominion East Ohio Gas, at a price of \$1.00, which amount is determined to be fair market value.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 167-06.

By Directors Cox and Mok.

Whereas, under the authority of Ordinance No. 1778-05, passed December 5, 2005, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to convey a non-exclusive, permanent easement interest, no longer needed, for public use, to Dominion East Ohio Gas, at a price of \$1.00 for the purpose of installing a mainline at Dock 32; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1778-05, passed by the Council of the City of Cleveland on December 5, 2005, the Commissioner of Purchases and Supplies is directed to convey a non-exclusive, permanent easement interest, no longer needed for public use, to Dominion East Ohio Gas, at a price of \$1.00, which amount is to be fair market value, for the purpose of installing a mainline at Dock 32.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 168-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sysco Food Services of Cleveland for an estimated quantity of Food and Food Items for the Division of

Recreation, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract, received on the 3rd day of February 2006, pursuant to the authority of Ordinance No. 816-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$35,000.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 150871 which shall be certified against the contract in the sum of \$5,000.00 and

Requisition No. 150872 which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 169-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Coca Cola Bottling Company, Inc. for an estimated quantity of Beverages for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract, received on the 3rd day of February 2006, pursuant to the authority of Ordinance No. 816-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$25,000.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 150869 which shall be certified against such contract in the sum of \$3,000.00 and

Requisition No. 150870 which shall be certified against such contract in the sum of \$6,000.00.

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 170-06.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on September 28, 2005 for Gardenview Hill Site Improvements for the Department of Parks, Recreation & Properties, pursuant to the authority of Ordinance No. 2151-03, passed by the Council of the City of Cleveland on December 15, 2003, are rejected.

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 171-06.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Apex Construction and Management Company, Inc., for the public improvement of the building improvements for the Camp Forbes pond remediation and shower installation, base bid b, for the Department of Parks, Recreation, and Properties, received on March 16, 2006, under the authority of Ordinance No. 1264-03 passed July 18, 2003, and Ordinance No. 2151-03, passed December 15, 2003, for a gross price for the improvement in the aggregate amount of \$27,980, is affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation, and Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Apex Construction and Management Company, Inc. is approved:

<u>Subcontractor</u>	<u>Amount</u>
<u>MBE/FBE</u>	<u>Percentage</u>
Daniel Santiago Plumbing	
MBE	\$5,760 20.59 %

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 172-06.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of F. Buddie Contracting,

Ltd., for the public improvement of the building improvements for the Camp Forbes pond remediation and shower installation, base bid a, for the Department of Parks, Recreation, and Properties, received on March 16, 2006, under the authority of Ordinance No. 1264-03, passed July 18, 2003, and Ordinance No. 2151-03, passed December 15, 2003, for a gross price for the improvement in the aggregate amount of \$78,200, is affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation, and Properties is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by F. Buddie Contracting Ltd. is approved:

<u>Subcontractor</u>	<u>Amount</u>
<u>MBE/FBE</u>	<u>Percentage</u>
Granger Trucking	
MBE	\$2,500 3.20 %
V.A. Conery Plumbing	\$ 8,000 10.23 %

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 173-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Co., for an estimated quantity of meals for the 2006 Summer Food Program (all items) for the Division of Recreation, Department of Parks Recreation and Properties, for the period 3 months, beginning with the date of execution of a contract, received on the 27th day of April 2006, under the authority of Ordinance No. 845-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$134,373.65, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase, as the initial amount of the contract, of the following:

Requisition No. 166740 which shall be certified against such contract in the sum of \$134,373.65.

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

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting

Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 174-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service for an estimated quantity of food, food products, beverages, condiments and paper products at Camp Forbes (Bid I: 1 - 20) (Bid II: 21 - 178) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period one (1) year beginning with the date of execution of a contract, received on the 27th day of April 2006, pursuant to the authority of Ordinance No. 845-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$106,872.21, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase, as the initial amount of the contract, of the following:

Requisition No. 166741 which shall be certified against such contract in the sum of \$25,000.00.

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

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director McGraw, Director Wasik, Interim Director Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Acting Director Pesti, Directors Fumich, Guzman, Interim Director Rybka.

Nays: None.
Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 30, 2006

9:30 A.M.

Calendar No. 06-74: 3200 Franklin Boulevard (Ward 13)

The Young Mens Christian Association, owner, and James Sosan, prospective purchaser, appeal to change the use from a recreation center to 18 dwelling units and a private health club in an existing three-story brick building, situated on an approximate 203' x 173' corner lot in a B1-Two-Family District on the northwest corner of Franklin Boulevard and West 32nd Street at 3200 Franklin Boulevard; contrary to Section 355.04 and Area Requirements, in a "B" Area District, a maximum gross floor area of 52,094 square feet is proposed where the maximum gross floor area may not exceed one-half the lot area or 17,170 square feet; and the proposed location for the dumpster enclosure in the required 10' front yard setback is prohibited as a yard encroachment by the Zoning Code of the Codified Ordinances.

Calendar No. 06-75: 13507-09 Lakewood Heights Blvd. (Ward 19)

Timko Investments, Inc., owner, and Al Mealem, tenant, appeal to erect an 85 square foot sign with a 6' projection to the front of an existing one-story masonry store building, situated on a 100' x 120' parcel located in a General Retail Business District on the south side of Lakewood Heights Boulevard at 13507-09 Lakewood Heights Boulevard; contrary to the Sign Regulations, an 85 square foot projecting sign is proposed and no more than a maximum of 12 square feet is permitted, and the sign projects 6' extending beyond the 4' that is permitted, according to Section 350.14(g) of the Codified Ordinances.

Calendar No. 06-76: 485 East 140th Street (Ward 10)

Harold and Kim Schnieder, owners, and Michael Steele, prospective purchaser, appeal to change to a used car sales lot the use of an existing masonry building, situated on a 160' x 170' irregular shaped parcel located in split zoning between a General Retail Business District and a Multi-Family District at 485 East 140th Street; the proposed use being limited by Section 337.08, not permitted in a Multi-Family District but first permitted in a General Retail District; and Section 349.04(f) requires that the use must provide 25% of the gross lot area for customer parking, and an 8' wide landscape transition strip providing a 75% year-round opacity is required between the subject lot and the abutting Multi-Family District as stated in Section 352.11. The display

of motor vehicles in the 10' front yard setback is prohibited and the Board of Zoning Appeals may permit the usage of no more than one-half of the setback area, determined according to the requirements stated in Section 357.14(a) and (b) of the Codified Ordinances.

Calendar No. 06-77: 4512 Stickney Avenue (Ward 16)

Luis Fontanez appeals to install approximately 96 linear feet of 4' high chain link fence across the front and in the side yard of a 50' x 150' parcel, located in a B1 Two-Family District on the north side of Stickney Avenue at 4512 Stickney Avenue; subject to the limitations of the Fence Regulations, an ornamental, decorative fence is required in actual front yards of a residential district, unless the Board of Zoning Appeals determines that legally permitted chain link fences are common in the immediate vicinity, as stated in Section 358.04(a)(1) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 15, 2006

At the meeting of the Board of Zoning Appeals on Monday, May 15, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-68: 16800 South Waterloo Road

Musmor Properties LLC, owner, and East side Metals, tenant, appealed to establish use as a scrap metal recycling operation on property in split zoning between Semi-Industry and General Industry Districts.

Calendar No. 06-40: 5708 Train Avenue

The Estate of Charles Pearson, owner, and Dean Heidelberg, tenant, appealed to establish use for the storage of wooden logs in a General Industry District; with conditions.

Calendar No. 06-50: 9422 Buckeye Road

The Calvary Apostolic Assembly church, owner, and Darryl Lyn Lamb, agent, appealed to change the use of property to a car wash and to detail automobiles in a General Retail Business District.

The following appeal was **Denied:**

None.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

Calendar No. 06-67: 13528-30 Miles Avenue

Marvin Butler appealed to change to a wrecking, storage and auto repair the use of a poultry house in a Semi-Industry District.

The following appeals were **Postponed**:

Calendar No. 06-66: 7300 St. Clair Avenue postponed to May 30, 2006.

Calendar No. 06-69: 2905-11 Chester Avenue postponed to June 12, 2006.

In Executive Session on May 15, 2006, the following appeals heard by the Board on May 8, 2006 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 06-62: 2517 Jay Avenue Gormark Developers, Inc. appealed to construct an addition and change the use from a hotel to apartments and townhomes, proposed for an existing three-story building in a General Retail Business District.

Calendar No. 06-63: 801 College Avenue John Krohe appealed to erect an 8' x 17' frame deck to the front of a single family dwelling in a Two-Family District.

Calendar No. 06-64: 16210 Lorain Avenue The West Park Community School appealed to construct a two-story addition adjacent to an existing three-story school and to place temporary modular classrooms on an irregular shaped parcel in split zoning between General Retail Business and One Family Districts.

The following appeal was **Denied**:

Calendar No. 06-46: 6402 Lansing Avenue Louis Sainato, owner, and Patricia Cole, tenant, appealed to expand an existing day care business to include the second floor of an existing one and two story building in a Local Retail Business District.

The following appeal that was dismissed by the Board on May 8, 2006 was **Reinstated**:

Calendar No. 06-51: 17610 Milburn Avenue Romulo Glean appealed to enclose an existing 6' x 27' front porch of a single family dwelling in a One-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, MAY 26, 2006

Herschel Court Sewer Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 272-05, 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 FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, MAY 19, 2006 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

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

May 10, 2006 and May 17, 2006

WEDNESDAY, MAY 31, 2006

Unarmed Security Services, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 299-06, passed by

the Council of the City of Cleveland, March 27, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MAY 19, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Armed Security Services, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 456-06, passed by the Council of the City of Cleveland, April 3, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 18, 2006 AT 2:00 P.M., DIVISION OF RECREATION, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 10, 2006 and May 17, 2006

THURSDAY, JUNE 1, 2006

Collection, Pick-Up and Disposal of Waste Oil (Sale of Waste Oil), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 25, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

May 10, 2006 and May 17, 2006

FRIDAY, JUNE 2, 2006

Demolition of St. Michael's Main Hospital Building, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2152-03, passed by the Council of the City of Cleveland, January 5, 2004.

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 MANDATORY PRE-BID MEETING, FRIDAY, MAY 19, 2006 AT 10:00 A.M., CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Demolition of St. Michael's Nursing School, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2152-03, passed by the Council of the City of Cleveland, January 5, 2004.

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 **MANDATORY PRE-BID MEETING**, FRIDAY, MAY 19, 2006 AT 10:00 A.M., CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 10, 2006 and May 17, 2006

WEDNESDAY, JUNE 7, 2006

Trinity Building Demolition and Remediation, for the Department of Economic Development, as authorized by Ordinance No. 23-06, passed by the Council of the City of Cleveland, November 17, 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 **MANDATORY PRE-BID MEETING**, MONDAY, MAY 22, 2006 AT 10:00 A.M., OFFICE OF CUDELL IMPROVEMENTS, 11650 DETROIT AVENUE, CLEVELAND, OHIO 44114.

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

May 10, 2006 and May 17, 2006

WEDNESDAY, JUNE 14, 2006

13.8 kv Transformers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 24, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 10, 2006 and May 17, 2006

FRIDAY, JUNE 16, 2006

Runway 6R-24L Uncoupling WBS No. E-210.3.1 (Re-Bid), 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, MAY 18, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S PASSENGER TERMINAL, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

Labor and Materials to Maintain/Repair Various Material Handling Equipment: Industrial Trucks, Sweepers and Scrubbers, Aerial Lifts, Tractors and Appurtenances, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 1027-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 25, 2006 AT 2:00 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 10, 2006 and May 17, 2006

WEDNESDAY, MAY 31, 2006

Gardenview Hill Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2153-03, passed by the Council of the City of Cleveland, December 13, 2003.

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** THURSDAY, MAY 25, 2006 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

May 17, 2006 and May 24, 2006

WEDNESDAY, JUNE 7, 2006

Ready Mix-Concrete 2006, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 604-06, passed by the Council of the City of Cleveland, April 10, 2006.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, MAY 30, 2006 AT 1:00 P.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM, 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 17, 2006 and May 24, 2006

THURSDAY, JUNE 8, 2006

Estimated Quantity of Three (3) Fire Pumpers, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 25, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Estimated Quantity of Three (3) Cab/Chassis with USV Bodies, Medium, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 25, 2006 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Estimated Quantity of One (1) Cab/Chassis with Van Body, Estimated Quantity of One (1) Cab/Chassis with Utility Service Body, and Estimated Quantity of Three (3) Cab/Chassis with Utility Service Body, for the 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, JUNE 1, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

May 17, 2006 and May 24, 2006

FRIDAY, JUNE 9, 2006

Disposal of Construction and Demolition Debris (Contract "C & D"), for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 303-06, passed by the Council of the City of Cleveland, March 20, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 25, 2006 AT 11:00 A.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

Transfer and Disposal of Bulk Waste — "Contract B", for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 301-06, passed by the Council of the City of Cleveland, March 27, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 25, 2006 AT 10:00 A.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

May 17, 2006 and May 24, 2006

WEDNESDAY, JUNE 14, 2006

Runway 10-28 Safety Improvements Phase 1-Part B WBS No. E-220-05, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 2376-02, passed by the Council of the City of Cleveland, March 10, 2003.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF TWO HUNDRED DOLLARS (\$200.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 25, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

May 17, 2006 and May 24, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 836-06.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 7527 Union Avenue, and repealing Resolution no. 1376-05, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to Marwha Corporation by Resolution No. 1376-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Marwha Corporation, DBA Union Supermarket, 7527 Union Avenue, Cleveland, Ohio 44105, Permanent Number 5597519 be and the same is hereby withdrawn and Resolution No. 1376-05, 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.

Adopted May 8, 2006.

Effective May 12, 2006.

Res. No. 837-06.

By Council Member Coats.

An emergency resolution objecting to a New C1 Liquor Permit at 13612 Coit Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Lakesha Wynette Porch, DBA Ms. Kee Kees Beverage & Deli, 13612 Coit Avenue, Cleveland, Ohio 44110, Permanent Number 7027172; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Lakesha Wynette Porch, DBA Ms. Kee Kees Beverage & Deli, 13612 Coit Avenue, Cleveland, Ohio 44110, Permanent Number 7027172 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2006.

Effective May 12, 2006.

Res. No. 838-06.

By Council Member Coats.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 18029 Euclid 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 JRH, Inc., DBA Johnny & Co., 18029

Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to Johnny & Co. Bar and Grille, LLC, 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4307201; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to Johnny & Co. Bar and Grille, LLC, 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4307201; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2006.

Effective May 12, 2006.

Res. No. 839-06.**By Council Member Coats.****An emergency resolution objecting to the transfer of Liquor License of a D5 Liquor Permit to 18414-16 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 Liquor Permit from AMF Bowling Centers, Inc., DBA AMF Carousel Lanes, 3545 Ridge Road, Cleveland, Ohio 44102, Permanent Number 01733100060 to DPG Lounge, LLC, 18414-16 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 2296200; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 Liquor Permit from AMF Bowling Centers, Inc., DBA AMF Carousel Lanes, 3545 Ridge Road, Cleveland, Ohio 44102, Permanent Number 01733100060 to DPG Lounge, LLC, 18414-16 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 2296200, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2006.

Effective May 12, 2006.

Res. No. 840-06.**By Council Member Polensek.****An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 787-91 East 185th Street, 1st floor and basement.**

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 791 Tavern, Inc., 787-91 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 8003612 to E185791 Tavern, Inc., 787-91 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 2528548; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from 791 Tavern, Inc., 787-91 East 185th Street, 1st

floor and basement, Cleveland, Ohio 44119, Permanent Number 8003612 to E185791 Tavern, Inc., 787-91 East 185th Street, 1st floor and basement, Cleveland, Ohio 44119, Permanent Number 2528548; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 8, 2006.

Effective May 12, 2006.

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

Passed May 8, 2006.
Effective May 12, 2006.

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.

Passed May 8, 2006.
Effective May 12, 2006.

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 pur-

chases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 8, 2006.
Effective May 12, 2006.

Ord. No. 607-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into a competitive response water service agreement with Portage County; and authorizing the Director of Finance to enter into an economic development agreement or agreements for the purpose of mitigating economic impacts to Cleveland's General Fund relating to the City's extension of water service to the City of Aurora and other areas within Portage County.

Whereas, the City of Aurora solicited competing proposals from the City of Cleveland and Portage County to provide water service to the residents and businesses of Aurora; and

Whereas, the parties have agreed in principle to an arrangement where Cleveland will supply water to Portage County under a master meter water service agreement for supply to Aurora and other areas within Portage County; and

Whereas, the service area under the Water Service Agreement shall be Portage County within the Great Lakes Watershed; and

Whereas, Section 535.08 of the Codified Ordinances of the City of Cleveland, 1976, authorizes the Director of Public Utilities to enter into competitive response water service agreements to meet competition from alternative water suppliers; and

Whereas, the City wishes to enter into a competitive response water service agreement to increase its customer base and provide future opportunities for water service to the area surrounding the City of Aurora; and

Whereas, retaining existing water customers and adding new customers through the expansion of the Division of Water's service area increases the rate base, promotes rate stability, minimizes the need for future rate increases, and improves the Division of Water's bond credit rating, to the benefit of all Division of Water customers and bondholders; and

Whereas, the expansion of water service outside the City creates opportunities for economic development in suburban communities by enabling businesses to locate in that community that might otherwise have chosen to locate within the City; and

Whereas, as a condition of providing water service, the City wishes to enter into an agreement with Portage County and, if appropriate, the City of Aurora to mitigate economic impacts to Cleveland's General Fund from such expansion; 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 finds that entering into a competitive response water service agreement for service to Aurora and other areas of Portage County is necessary to meet competition from alternative water sources and is in the best interests of the Division of Water, its customers, and bondholders in that it will preserve and increase the Division of Water's rate base.

Section 2. That the Director of Public Utilities is authorized to enter into a competitive response water service agreement with Portage County and, if appropriate, the City of Aurora, for water service to Aurora and other areas of Portage County under Section 535.08 of the Codified Ordinances of the City of Cleveland, under this ordinance, according to terms set forth on the term sheet and placed in File No. 607-06-A.

Section 3. That this Council finds that the expansion of water service outside the City creates opportunities for economic development in the City of Aurora and other areas of Portage County by enabling businesses to locate in that community that might otherwise have chosen to locate within the City.

Section 4. That the Director of Finance is authorized to enter into an economic development agreement or agreements with Portage County and any other necessary public authorities to mitigate economic impacts to Cleveland's General Fund that may result from the extension of water service to the City of Aurora and other areas of Portage Coun-

ty, under this ordinance, according to terms set forth in the above mentioned file.

Section 4a. That the file mentioned above shall be 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. That the Director of Public Utilities or Finance, as appropriate, shall provide the Council with a copy of any executed agreement entered under this ordinance.

Section 5. That the annual compensation to the General Fund under the economic development agreement shall initially be \$37,500 until a 16" or larger express main along Glenwood Boulevard to a connection point at the Portage County border is operational, at which time the annual compensation shall increase to \$100,000, and will escalate on January 1 of each year based on a published price index to be mutually agreed upon between the parties, up to 5% per year, until such time that 2.5 million gallons per day average annual flow, as calculated over a period of any twelve consecutive months, is drawn from the City. Once such amount is drawn, the annual compensation shall increase by an additional \$100,000, and the total annual compensation shall escalate in accordance with the applicable published price index, as set forth above.

Section 6. That the term of the competitive response water service agreement shall be twenty years with an option to renew for additional twenty-year periods upon mutual agreement of the parties. The term of the economic development agreement shall run concurrently with the term of the competitive response water service agreement, including any extensions, and shall contain such terms and conditions as are acceptable to the Director of Law.

Section 7. That all payments by Portage County under the agree-

ments authorized by Section 5 of this ordinance shall be deposited in the City's General Fund in a specially designated fund or account to be used for economic development purposes.

Section 8. That notwithstanding any Codified Ordinance to the contrary, the rate to be charged to Portage County under the competitive response agreement authorized by this ordinance shall initially be set at \$10.35 per mcf, escalating on January 1 of each year in accordance with the price index established under Section 5 of this ordinance, up to 5% each year. If the price index for any year exceeds 5%, the rates shall escalate by the greater of 5% or the percentage rate increase charged to customers within the City of Cleveland in that same year.

Section 9. That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control by Resolution No. _____, adopted on _____, for the purpose of implementing the competitive response water rate, be and the same are hereby approved.

Section 10. That the Director of Public Utilities and the Director of Finance are authorized to execute on behalf of Cleveland all necessary documents to effectuate the purposes of this ordinance.

Section 11. That if the agreements authorized by this ordinance are not fully executed within six months of the date this ordinance passes, then the authority granted by the ordinance to enter into the agreements expires.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 8, 2006.
Effective May 12, 2006.

Ord. No. 617-06.

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

An emergency ordinance authorizing a request to the Ohio Board of Building Standards to certify the City of Cleveland to enforce the Residential Building Code of Ohio for One, Two, and Three-Family Dwellings; to repeal Sections 3121.01 and 3121.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2370-01, passed May 13, 2002; to supplement the codified ordinances by enacting new Section 3121.01; to rename Chapter 3121 to the "Residential Building Code of Ohio for One, Two, and Three-Family Dwellings"; to amend Section 3105.25 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1020-04, passed August 17, 2004, relating to the schedule of permit fees.

Whereas, the City of Cleveland desires to enforce the Residential Building Code of Ohio for One, Two, and Three-Family Dwellings for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings; and

Whereas, the City of Cleveland seeks to obtain the authority to enforce the provisions of the Residential Building Code of Ohio for One, Two, and Three-Family Dwellings through certification by the Ohio Board of Building Standards under division (E) of Section 3781.10 of the Revised Code; 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 Residential Building Code of Ohio for One, Two, and Three-Family Dwellings, as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Cleveland, Ohio.

Section 2. That the Director of Building and Housing is authorized to sign and submit an application to the Ohio Board of Building Standards requesting the Board to certify the City of Cleveland for enforcement of the Residential Building Code of Ohio for One, Two, and Three-Family Dwellings.

Section 3. That Sections 3121.01 and 3121.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by 2370-01, passed May 13, 2002, are repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 3121.01 to read as follows:

Section 3121.01 Adoption and Purpose

The Residential Building Code of Ohio for One, Two, and Three-Family Dwellings ("Residential Code of Ohio" or "RCO") as promulgated by the Ohio Board of Building standards, and as amended by the Ohio Board of Building Standards, is adopted and incorporated by the City of Cleveland as if fully restated. The Residential Code of Ohio is contained in OAC Chapter 4101:8.

Section 5. That Chapter 3121 of the Codified Ordinances is renamed to the "Residential Building Code of Ohio for One, Two, or Three-Family Dwellings".

Section 6. That Section 3105.25 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1020-04, passed August 17, 2004 is amended to read as follows:

Section 3105.25 Schedule of Permit Fees

When fees are calculated on an estimated construction or repair cost, the value of work shall include all structural, electrical, plumbing and HVAC, interior finish, normal site preparation including excavation and backfill, overhead and profit. Architectural/Engineering fees, costs of land and off-site costs need not be included. The value estimate of the proposed work may be determined by the Department of Building and Housing in accordance with generally accepted methods of estimating as prescribed by BOCA or the R.S. Means Cost Data Service that is effective on the date application is made for the permit.

NOTE: Other permit fees, such as for electrical, plumbing, HVAC, elevators and plan processing are separate.

Except for permit fees for work performed on one, two, three family dwellings, their accessory structures and other miscellaneous items listed in division (E) of Section 3781.10 of the Revised Code, the permit fees herein include the required surcharge pursuant to division (E) of Section 3781.10 of the Revised Code.

For permit and plan examination fees for work performed on one, two, or three-family dwellings or their accessory structures, the permit fees do not include the required one-percent (1%) surcharge. For permits issued for that work, the required surcharge shall be calculated on the final cost of each permit issued and shall be separately itemized.

Minimum Fee

(a) *One-Family, Two-Family, or Three-Family Dwelling Houses*

(1) New buildings and additions, or parts of same: \$10.00 for each \$1,000 or fraction of estimated cost	\$150.00
(2) Alterations and repairs: \$5.00 for each \$1,000 or fraction of estimated cost	\$ 30.00
(3) Additions, or parts of same: \$5.00 for each \$1,000 or fraction of estimated cost	\$150.00

(b) *Buildings or Structures as Regulated by the Ohio Building Code*

(1) New buildings or structures, additions to existing buildings or structures, and first tenants' space buildouts in new construction: \$12.00 for each \$1,000 or fraction of estimated cost less than \$1,000,000	\$300.00
From \$1,000,001 up, \$12,000 plus \$7.00 for each \$1,000 or fraction of estimated cost above \$1,000,000	
(2) Alterations or repairs to existing buildings or structures: \$15.00 for each \$1,000 or fraction thereof of estimated cost less than \$1,000,000	\$150.00
From \$1,000,001 up, \$15,000 plus \$11.00 for each \$1,000 or fraction of estimated cost above \$1,000,000	

(c) *Miscellaneous Buildings/Structures*

(1) Private garages, tool sheds, residential antennas, and other accessory structures or buildings	\$ 50.00
(2) Fences, guardrails or barriers	\$ 50.00
(3) Swimming pools (private/residential)	\$ 50.00
(4) Effective boarding pending repairs of rehabilitation	\$ 50.00

(d) *Demolition or Removal of Buildings or Structures (Consult Section 3105.16(C))*

(1) For one-family, two-family, or three-family dwelling houses or accessory structures: \$10.00 for each 1,000 square feet or fraction of floor area (excluding basement floor or cellar floor areas)	\$ 50.00
(2) For buildings and structures as regulated by the Ohio Building Code	\$300.00

(e) *Moving of Building or Structures*

(1) One, two or three-family dwellings	\$300.00
(2) Other than (e)(1) above	\$600.00

(f) *Outdoor Signs and Display Structures; Other Wall Signs*

<i>for Which a Permit is Required: \$12.00 for each \$1,000 or fraction of estimated cost</i>	\$ 50.00
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(g) *Marquees, Awnings and Canopies: \$12.00 for each \$1,000 or fraction of estimated cost*

\$ 50.00

(h) *Temporary Tents*

(1) 120 square feet or less	No charge
(2) Over 120 square feet	\$ 75.00 each

No fee shall be charged for tents used in conjunction with a funeral service or for religious organizations which are utilizing tents for temporary purposes not to exceed two weeks.

(i) *Zoning Fees (Shall be added to applicable Building Permits as follows):*

(1) Commercial and Multi-Family	\$ 40.00
(2) Temporary Uses	\$ 30.00
(3) Parking Lots	\$ 30.00
(4) Signs, Fences and Appurtenant Structures	\$ 20.00

(j) *Heating, Ventilation, Air Conditioning, and Refrigeration*

(1) One, two, and three-family dwellings: The minimum fee for any permit shall be:	\$ 50.00
A. Installation of each central heating and/or air conditioning system(s); or	\$ 50.00
B. Repairs, alterations, or extensions of central heating and/or air conditioning systems; or	\$ 50.00
C. Installation of each fuel-fired unit heater, space heater, or decorative appliance; or	\$ 50.00
D. Installation of each solid fuel burning device; fireplace, insert, woodburning stove/oven, etc.	\$ 50.00

(2) For buildings and structures as regulated by the Ohio Building Code: The minimum fee for any permit shall be:	\$ 50.00
A. Installation of each central heating, ventilation, and/or air conditioning unit (equipment)	\$ 50.00
B. Installation of each duct heater or reheat coil	\$ 30.00
C. Installation of each fuel-fired unit heater, space heater, or decorative appliance	\$ 30.00
D. Installation of steam or hot water radiation devices; each floor or level	\$ 30.00
E. Installation of each solid-fuel burning device; fireplace, insert, woodburning stove/oven, etc.	\$ 30.00
F. Installation of fuel-gas piping; for each 100 lineal feet or fraction	\$ 13.00
G. Installation of duct work, V.A.V. boxes, exhaust fans, exhaust hoods, fire or volume dampers, and other connecting appurtenances: For each \$1,000 valuation or fraction of job cost (Material + Labor)	\$ 13.00
(3) Installation of Refrigeration Systems: For each new or altered refrigeration system as per following rated tons of refrigeration (1 ton = 12,000 B.T.U.):	
A. Up to 25 tons capacity	\$ 50.00
B. Over 25 tons capacity	\$100.00
C. For each walk-in cooler, freezer, or dairy/deli case refrigeration system	\$ 50.00
(4) Repairs and/or alterations of existing equipment or systems	\$ 50.00
(k) <i>Plumbing Fixtures, Appliances and Piping:</i>	
Note: Use (1), (2), and (3) below to calculate fee:	
The minimum fee for any permit shall be:	\$ 50.00
(1) For the installation of each plumbing fixture, appliance or device such as water closets, urinals, bathtubs or showers, sinks, drinking fountains, dishwashers, laundry trays, clothes washers, floor drains, roof drains, hot water heating devices, interceptors, sump pumps, air conditioning units, catch basins, area drains, manholes and other similar equipment, or fixtures	\$ 8.00 each
(2) For the installation of piping for plumbing systems:	
A. Gas piping For each 100 lineal feet or fraction	\$ 13.00
B. Drains, waste piping from plumbing Fixtures — for each 100 lineal feet or fraction	\$ 13.00
C. Storm and/or foundation drains/sewers — for each 100 lineal feet or fraction	\$ 13.00
D. Sanitary drains/sewers — for each 100 lineal feet or fraction	\$ 13.00

E. Water distribution piping — for each 100 lineal feet or fraction	\$ 13.00
F. Connection to potable water line for non-potable uses such as irrigation, fire suppression system, etc.	\$ 50.00
(3) For the following miscellaneous:	
A. Repairs to existing plumbing fixtures and/or systems	\$ 50.00
(1) <i>Electric Wiring and Equipment</i> : Note: Use (1) or (2) below to calculate fee; the minimum fee for any permit shall be:	\$ 50.00
(1) For new construction additions, alterations to existing buildings: For each 1000 square feet or part	\$ 50.00
(2) For each item as follows:	
A. Temporary lighting and/or power installations, or low voltage wiring systems (CATV cable, fire alarm devices, computer devices, data communication and other similar equipment)	\$ 50.00
B. Signs: Business I.D., advertisement, and directional, etc.:	
1. For the first electrical sign	\$ 50.00
2. Add for each additional electric sign installed at the same time	\$ 30.00
C. Amusement rides and devices: each	\$ 30.00
Note: Also see Section 3105.29 — Festival and Carnival Permit Fees for Charitable Organizations	
D. Repairs to existing electrical systems	\$ 50.00
(3) Blanket electrical permit for each year for each premises	\$200.00
(m) <i>Elevators, Powered Lifts, and Moving Walks</i>	
(1) The minimum fee to install a freight or passenger elevator	\$350.00
(2) To which shall be added for each floor/level traveled in excess of seven floors	\$ 40.00
(3) For each installation of moving stairways or moving walks, any manhoists, special elevators, or stage or orchestra lifts included under Section 3141.04	\$350.00
(4) Installation of any power operated dumbwaiter or conveyor	\$200.00
(5) Installation of any wheelchair lift or stair climber	\$ 75.00
(6) Installation of any amusement device to convey persons in any direction as a form of amusement	\$ 50.00
(7) Any alteration or repair for which a permit is required under Section 3141.03 for divisions (m)(1) through (m)(5) above	\$100.00

Section 7. That existing Section 3105.25 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1020-04, passed August 17, 2004 is repealed.

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

Passed May 8, 2006.
Effective May 12, 2006.

Ord. No. 831-06.

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

An emergency ordinance giving consent of the City of Cleveland to the Board of Cuyahoga County Commissioners for the repair of the Warner Road Bridge No. 250 over Mill Creek; authorizing the Director of Public Service to enter into any relative agreement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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 Board of County Commissioners (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: repair of the Warner Road Bridge No. 250 over Mill Creek (the "Improvement").

Section 2. That the City proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more agreements with the County 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 County 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;

(e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution; and

(f) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

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 County will arrange for its acquisition.

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement under applicable sections of the Revised Code.

(d) That the street within the limits of the Improvement is designated a through highway within the meaning of division (F) of Section 4511.07 of the Revised Code.

(e) 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.

(f) 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.

(g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

(h) 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.

(i) To the extent allowed by law, that the City agrees that the County shall be saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions 5(a), 5(e), 5(f) and 5(h) of this section.

(j) If applicable, that stop signs affecting the movement of traffic on any street or highway 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 aforesaid manual are met.

(k) That no rule or regulation may be enacted restricting the use of the Improvement or structure by

any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded.

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

Section 7. That the Director of Public Service is authorized to enter into an agreement with the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

(a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current Cuyahoga County standards for construction of County roads and bridges.

(b) That the County will arrange for the supervision and administration of the construction contract.

(c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of the additional items are approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of the additional construction and of preliminary and design engineering, but the City shall not be responsible for the cost of supervision of the additional construction.

(d) That the City agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement.

Section 8. That the Director of Public Service is authorized to apply to the County for an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the Improvement, and to enter into one or more agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That the Clerk of Council is authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed May 8, 2006.

Effective May 12, 2006.

Ord. No. 832-06.

By Council Member Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Murray Hill Arts Association to stretch banners on Mayfield Road between Radom and Fairview & Murray Hill Road between Mayfield and Cornell, for the period from May 22, 2006 to June 7, 2006, inclusive, publicizing the Murray Hill Art Walk.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Murray Hill Arts Association to install, maintain and remove banners on Mayfield Road between Radom and Fairview & Murray Hill Road between Mayfield and Cornell for the period from May 22, 2006 to June 7, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2006.

Effective May 12, 2006.

Ord. No. 833-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 1st Annual Strides for Change Walk, on June 4, 2006, hosted by Mothers Against Drunk Driving Northeastern Affiliate.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 1st Annual Strides for Change Walk, hosted by Mothers Against Drunk Driving Northeastern Affiliate on June 4, 2006, 1st Route starting at Jacobs Field, head north on East 9th, left on Erieside, left on Superior, right on Ontario, ending up back at Jacobs Field, 2.8 miles; 2nd Route starting at Jacobs Field, head south on East 9th, right on Carnegie, right on Broadway/Ontario, right on Eagle, ending up back at Jacobs Field; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 8, 2006.

Effective May 12, 2006.

Ord. No. 834-06.

By Council Member Lewis.

An emergency ordinance consenting and approving the issuance of a permit for the New Day in Hough Walk, Race and Parade, on May 13, 2006, sponsored by the New Day in Hough Committee.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of New Day in Hough Walk, Race and Parade on May 13, 2006, assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to E. 79th to Lexington, west on Lexington to E. 66th, south on E. 66th to Hough, east on Hough to Thurgood Marshall, and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall, west on Hough Avenue to E. 71st, north on E. 71st, to Linwood, east on Linwood to E. 79th, south on E. 79th to Hough, east on Hough to Thurgood Marshall, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleve-

land, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 8, 2006.

Effective May 12, 2006.

Ord. No. 835-06.

By Council Member Lewis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the New Day in Hough Committee to stretch banners at the southeast and northeast corners of East 55th & Superior, Ansel & Hough and East 55th & Chester for the period from May 8, 2006 to May 14, 2006, inclusive, publicizing the New Day in Hough.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the New Day in Hough Committee to install, maintain and remove banners at the southeast and northeast corners of East 55th & Superior, Ansel & Hough and East 55th & Chester for the period from May 8, 2006 to May 14, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 8, 2006.

Effective May 12, 2006.

REPRINT**Res. No. 712-06.****By Council Member Britt.**

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X1 Liquor Permit at 7819-21 Cedar Avenue, and repealing Resolution No. 170-06, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 7819 Cedar Avenue Corp., DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 8003657 by Resolution No. 170-06 adopted by the Council on January 30, 2006; and

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

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

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

Section 1. That objection to C2 and C2X Liquor Permit to 7819 Cedar Avenue Corp., DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 8003657 be and the same is hereby withdrawn and Resolution No. 170-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 17, 2006.

Effective April 21, 2006.

REPRINT**Res. No. 713-06.****By Council Member Cimperman.**

An emergency resolution objecting to a New C1 Liquor Permit at 4915 N. Marginal Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Lakeside Marine Fuel, Inc., 4915 North Marginal Road, Cleveland, Ohio 44114, Permanent Number 4979902; and

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

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Lakeside Marine Fuel, Inc., 4915 North Marginal Road, Cleveland, Ohio 44114, Permanent Number 4979902; 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 April 17, 2006.

Effective April 21, 2006.

REPRINT**Res. No. 714-06.****By Council Member Cimperman.**

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1311 East 49th Street, 1st floor.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Stefanie Elaine Miller, DBA Bull Shooters Bar & Grill, 1311 East 49th Street, 1st floor, Cleveland, Ohio 44114, Permanent Number 6003816 to Josephine E. Miller, DBA Bull Shooters Bar & Grill, 1311 East 49th Street, 1st floor, Cleveland, Ohio

44114, Permanent Number 5983795; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Stefanie Elaine Miller, DBA Bull Shooters Bar & Grill, 1311 East 49th Street, 1st floor, Cleveland, Ohio 44114, Permanent Number 6003816 to Josephine E. Miller, DBA Bull Shooters Bar & Grill, 1311 East 49th Street, 1st floor, Cleveland, Ohio 44114, Permanent Number 5983795; 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 April 17, 2006.

Effective April 21, 2006.

REPRINT

Res. No. 715-06.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 5238 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Wing San, Inc., DBA Golden House Restaurant, 1st floor and basement, 5238 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 9693968 to China House Restaurant, Inc., 1st floor and basement, 5238 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 1434253; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Wing San, Inc., DBA Golden House Restaurant, 1st floor and basement, 5238 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 9693968 to China House Restaurant, Inc., 1st floor and basement, 5238 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 1434253; 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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Res. No. 716-06.

By Council Member Coats.

An emergency resolution objecting to a New C1 Liquor Permit at 13302 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Arr Minute Market, Inc., DBA Arr Minute Market, Inc., 13302 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 0251590; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Arr Minute Market, Inc., DBA Arr Minute Market, Inc., 13302 St. Clair Avenue, Cleveland,

Ohio 44110, Permanent Number 0251590; 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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Res. No. 717-06.

By Council Members Zone, Sweeney, Brady, White, Cimperman, Coats, Westbrook and Conwell.

An emergency resolution supporting H.R. 5054, the "Rebuilding America's Infrastructure" bill.

Whereas, United States citizens complain about the state of America's public capital: about dilapidated school buildings, condemned highway bridges, contaminated water supplies, and other shortcomings of the public infrastructure; and

Whereas, in addition to inflicting inconvenience and endangering health, the inadequacy of the public infrastructure adversely affects productivity and the growth of the economy since public investment, private investment and productivity are intimately linked; and

Whereas, for over 2 decades the United States government has retreated from public investment; and

Whereas, state and local governments, albeit to a lesser extent, have also slowed public investments and state and local taxpayers are frequently reluctant to approve bond issues to finance public infrastructure; and

Whereas, in the early 1970s, non-defense public investment accounted for about 3.2% of gross domestic product; now it accounts for only 2.5%; and

Whereas, widespread neglect of maintenance has contributed substantially to the failure of the stock of public capital assets to keep pace with the nation's needs; and

Whereas, net of depreciation, the real nondefense public capital stock expanded in the past 2 decades at a pace only half that set earlier in the post World War II period; and

Whereas, evidence of failures to maintain and improve infrastructure is seen every day in such problems as unsafe bridges, urban decay, dilapidated and over-crowded schools and inadequate airports; and

Whereas, the state departments of education collected data that reveals

at least \$300,000,000,000 worth of unmet school infrastructure needs; and

Whereas, H.R. 5054 will help the nation take a significant step forward both in overcoming its infrastructure deficit and in promoting the productivity needed to meet the competitive challenges of the 21st century; and

Whereas, H.R. 5054 represents fiscally sound planning and, in salient ways, advances sound fiscal and monetary operations; and

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

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

Section 1. That this Council hereby supports H.R 5054, the "Rebuilding America's Infrastructure" bill.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to U.S. Representatives Dennis Kucinich, Stephanie Tubbs Jones and Steven La Tourette.

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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 2205-05.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the Safe Communities, Targeted Enforcement Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$65,000, from University Hospitals to conduct the Safe Communities, Targeted Enforcement Program; that the Director is autho-

rized 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 planning worksheet for the grant contained in the file described below.

Section 2. That the planning worksheet for the grant, File No. 2205-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 161-06.

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

An emergency ordinance to amend Section 344.07 of Ordinance No. 910-05, passed July 13, 2005, relating to the building height requirements within the Midtown Mixed-Use District; and to amend Sections 1, 2, 3, and 4 of Ordinance No. 1785-05, passed October 31, 2005, relating to zoning within the district.

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 344.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 910-05, passed July 13, 2005, is amended to read as follows:

Section 344.07 Building Height Requirements

Principal buildings shall have height characteristics as set forth in Schedule 344.07:

Schedule 344.07
Building Height Requirements

	Euclid MMUD-1	Chester MMUD-2	Carnegie MMUD-3	Chester West MMUD-4
Minimum height requirement	3 stories (that are occupiable floors)	None	None	None
Maximum height requirement	115 feet	60 feet	60 feet	60 feet

Section 2. That existing Section 344.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 910-05, passed July 13, 2005, is repealed.

Section 3. That Sections 1, 2, 3, and 4 of Ordinance No. 1785-05, passed October 31, 2005, are amended to read as follows:

Section 1. That the Use, Area and Height Districts of lands described as follows;

Beginning in the centerline of Prospect Avenue and its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline of East 40th Street to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Level 3 Communications by deed dated August 26th, 1999 and recorded as AFN 199908268969 in the Cuyahoga County Records (said parcel also being known as PPN 103-09-011);

Thence Easterly along said prolongation and Northerly line to its intersection with the Easterly line of said parcel;

Thence Southerly along said Easterly line to its intersection with a line drawn 150 Northerly and parallel to the Northerly line of Euclid Avenue;

Thence Easterly along said parallel line to its intersection with the centerline of East 55th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of a parcel of land conveyed to Sucha Sing by deed dated September 23rd, 2003 and recorded as AFN 200309230962 in Cuyahoga County Records (said parcel also being know as PPN 118-02-021);

Thence Easterly along said Southerly line to its intersection with the easterly line thereof;

Thence Northerly along said Easterly line to its intersection with the Southerly line of Sublot No. 39 in the Cobb, Bradley and Wick Subdivision as shown by the Recorded Plat in Volume 20 of Maps and Page 4 of Cuyahoga County Records;

Thence Easterly along said Southerly line to its intersection with the centerline of East 57th Street;

Thence Northerly along said centerline to its intersection with the Southerly line of Sublot No. 12 in said Cobb, Bradley and Wick Subdivision;

Thence Easterly along said Southerly line to its intersection with the Easterly line thereof;

Thence Northerly along said Easterly line to its intersection with the Southerly line of Sublot No. 12 in the Southern and Adams Subdivision as shown by the recorded plat in Volume 5 of Maps and Page 4 of Cuyahoga County Records;

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the centerline of East 59th Street;

Thence Northerly along said centerline to its intersection with the Southerly line of Sublot No. 3 in said Southern and Adams Subdivision;

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the centerline of East 61st Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 1 in the Clara Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps and Page 29 of Cuyahoga County Records;

Thence Easterly along said prolongation and Southerly line to its intersection with the Westerly line of said Subdivision;

Thence Northerly along said Westerly line to its intersection with the Southerly line of Sublot No. 2 in said Subdivision;

Thence Easterly along said Southerly line to its intersection with the centerline of East 63rd Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of a Southerly line of a 1.6641 Acre parcel of land shown on the Plat of Consolidation Recorded in Volume 308 of Maps Page 10 of Cuyahoga County Records (said parcel also being known as all of PPNs 118-04-047 and 008);

Thence Easterly along said Southerly line to its intersection with a Westerly line thereof;

Thence Southerly along said Westerly line to its intersection with a Southerly line of said parcel;

Thence Easterly along said Southerly line to its intersection with the centerline of East 65th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Robert Bondi by deed dated November 22nd, 1996 and recorded in Volume 96-11542 of Maps and Page 55 of Cuyahoga County Records (said parcel also being known as PPN 118-06-030);

Thence Easterly along said Westerly prolongation and Northerly line to its intersection with the Easterly line thereof;

Thence Southerly along said Easterly line to its intersection with the Northerly line of a parcel of land conveyed to Joseph M. Stern Company by deed dated January 18th 1947 and recorded in Volume 6251 of Maps and Page 696 of Cuyahoga County Records (said parcel also being known as PPN 118-06-048);

Thence Easterly along said Northerly line and its Easterly prolongation to its intersection with the centerline of East 66th Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of a parcel of land conveyed to 6611 Properties LLC by deed dated January 7th, 2002 and recorded as AFN 200201070050 of Cuyahoga County Records (said parcel also being known as PPN 118-06-050);

Thence Easterly to its intersection with the Easterly line thereof;

Thence Southerly along said Easterly line to its intersection with a line drawn 200 feet north of and parallel to the northerly line of Euclid Avenue;

Thence Easterly along said parallel line to its intersection with the centerline of East 69th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to the city of Cleveland by Deed dated October 4th, 1993 and recorded in Volume 93-10693 Page 37 of Cuyahoga County Records (said parcel also being known as PPN 118-08-025);

Thence Easterly along said prolongation, Northerly line and Westerly prolongation to its intersection with the centerline of East 70th Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 4 in the Streator & Adams Subdivision as shown by the recorded plat in Volume 4 of Maps Page 4 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, Southerly line and its Easterly prolongation to its intersection with the centerline of East 71st Street;

Thence Southerly along said centerline to its intersection with the centerline of Simpson Court;

Thence Easterly along said centerline of Simpson Court to its intersection with the centerline of East 73rd Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 10 in the Spangler Heirs Subdivision as shown by the recorded plat in Volume 14 of Maps Page 8 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, Southerly line and its Easterly prolongation to its intersection with the centerline of East 75th Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 3 in said Subdivision;

Thence Easterly along said Westerly prolongation and Southerly line to its intersection with the Easterly line of said Spangler Heirs Subdivision;

Thence Northerly along said Easterly line to its intersection with the Southerly line of the Chase Anderson & Robinson Subdivision as shown by the recorded plat in Volume 4 of Maps and Page 54 of Cuyahoga County Records;

Thence Easterly along said Southerly line to its intersection with the Westerly line of a 12 foot unnamed alley as shown in said Chase Anderson & Robinson Subdivision;

Thence Northerly along said Westerly line to its intersection with the centerline of Chester Avenue;

Thence Easterly along said centerline to its intersection with the centerline of East 79th Street;

Thence Southerly along said centerline of East 79th Street to its intersection with the centerline of Carnegie Avenue;

Thence Westerly along said centerline of Carnegie Avenue to its intersection with the centerline of East 77th Street;

Thence Northerly along said centerline of East 77th Street to its intersection with the Easterly prolongation, and Northerly line of Sublot No. 6 in the C.E. Bolton & John E. Colby as shown by the recorded plat in Volume 5 of Maps Page 36 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation, Northerly line and Westerly prolongation to its intersection with the Easterly line of a parcel of land conveyed to Barbara Jalovec by deed dated November 14th, 1967 as recorded in Volume 12173 Page 965 of Cuyahoga County Records (said parcel being also known as PPN 118-15-007);

Thence Southerly along said Easterly line to its intersection with the Easterly prolongation of the Southerly line of a parcel of land conveyed to Iron Mountain Safesite, Inc. by deed dated October 22, 1999 and recorded as AFN 199910220132 of Cuyahoga County Records (said parcel being also known as PPN 118-15-003);

Thence Westerly along said Easterly prolongation and Southerly line to its intersection with the Easterly line of a parcel of land conveyed to Ram Enterprises by deed dated August 26th, 1983 as recorded in Volume 83-259 Page 533 of Cuyahoga County Records (said parcel being also known as PPN 118-15-025);

Thence Northerly along said Easterly line to its intersection with the Northerly line thereof;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 71st Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 3 in the Carnegie Euclid Company Subdivision as shown by the recorded plat in Volume 67 of Maps, Page 22 of Cuyahoga County Records;

Thence Easterly along said Easterly prolongation, Southerly line and Westerly prolongation to its intersection with the centerline of East 70th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 19 in said Carnegie Euclid Company Subdivision;

Thence Westerly along said Easterly prolongation and Southerly line to its intersection with the Westerly line thereof;

Thence Northerly along said Westerly line to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Page Sumpter by Deed dated May 23rd, 1977 and recorded in Volume 14471, Page 645 of Cuyahoga County Records (said parcel also being known as PPN 118-14-020);

Thence Westerly along said Northerly line, Easterly prolongation and Westerly prolongation to its intersection with the centerline of East 69th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Roderick Nassif by Deed dated September 25th, 2001 and recorded as AFN 200109250811 (said parcel being also known as PPN 118-13-017);

Thence Westerly along said Easterly prolongation, Northerly line and Westerly prolongation in a direct line to its intersection with the Westerly line of a parcel of land conveyed to RBR Properties LTD by Deed dated May 22nd, 2000 and recorded as AFN 200005220253 of Cuyahoga County Records (said parcel being also known as PPN 118-13-001);

Thence Northerly along said Westerly line to its intersection with the Northerly line of Sublot No. 14 in the Euclid Improvement Company Subdivision Unrecorded;

Thence Westerly along said Northerly line and Westerly prolongation to its intersection with the centerline of Vacated East 65th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Parcel 3 in the Consolidation for Pierre's as shown by the recorded plat in Volume 270, Page 37 in Cuyahoga County Records;

Thence Westerly along said Easterly prolongation of the Southerly line of Parcel 3 to its intersection with the Easterly line thereof;

Thence Northerly along said Easterly line to its intersection with a line drawn 100 feet Southerly of and parallel to the Southerly line of Euclid Avenue;

Thence Westerly along said parallel line to its intersection with an Easterly line of Block A in said Consolidation for Pierre's;

Thence Southerly along said Easterly line to a Northerly line of said Block A;

Thence Westerly along said Northerly line to its intersection with the Northerly prolongation of the Westerly line of Parcel A-1 as shown in said Consolidation for Pierre's;

Thence Southeasterly along said Westerly line to its intersection with a line drawn 335 feet from and parallel to the Northerly line of Carnegie Avenue;

Thence Westerly along said parallel line to its intersection with the centerline of East 55th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to 5000 Prospect LTD., by Deed dated January 11th, 2002 and recorded as AFN 200201111120 in Cuyahoga County Records (said parcel being also known as PPN 103-18-010);

Thence Westerly to its intersection with the Westerly line of said parcel so conveyed;

Thence Southerly along said Westerly line to its intersection with the centerline of Prospect Road;

Thence Northwesterly along said centerline to its intersection with the centerline of East 46th Street;

Thence Southerly along said centerline of East 46th Street to its intersection with the Easterly prolongation of the Southerly line of a parcel of land conveyed to James C. Comella and Sherry E. Greer by Deed dated January 5th, 1993 and recorded in Volume 93-86, Page 20 of Cuyahoga County Records (said parcel also being known as PPN 103-17-014);

Thence Westerly along said Southerly line and Easterly prolongation to its intersection with the Westerly line of Sublot 9 in Henry F. Clark's Corrected Subdivision as recorded in Volume 4 of Maps, Page 10 of Cuyahoga County Records;

Thence Northerly along said Westerly line to its intersection with the centerline of Prospect Road;

Thence Northwesterly along said centerline to its intersection with the Northerly prolongation of the Westerly line of Original Ten Acre Lot No. 71;

Thence Southerly along said Westerly line to its intersection with the westerly prolongation of the Northerly line of Sublot No. 12 in said Subdivision;

Thence Westerly along said Northerly line and its Westerly prolongation in a direct line to its intersection with the Westerly line of a parcel of land conveyed to Centennial Investments LP by Deed dated May 28th, 2002 and recorded as AFN 200205281003 (said parcel also being known as PPN 103-17-007);

Thence Northerly along said Westerly line to its intersection with the Northerly line of said parcel so conveyed;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline of East 40th Street to the principal place of beginning.

and as outlined on the attached map is changed to a Midtown Mixed Use District 1: Euclid Corridor.

Section 2. That the Use, Area and Height Districts of lands described as follows;

Beginning in the centerline of Chester Avenue at its intersection with the Westerly line of a 12 foot wide unnamed alley as shown in the Chase Anderson & Robinson Subdivision recorded in Volume 4 of Maps, Page 54 of Cuyahoga county Records;

Thence Southerly along said Westerly line of a 12 foot wide unnamed alley to its intersection with the Easterly prolongation of the Southerly line of said Subdivision;

Thence Westerly along said Southerly Subdivision line to its intersection with the Easterly line of the Spangler Heirs Subdivision as shown by the recorded plat in Volume 14 of Maps Page 8 of Cuyahoga County Records;

Thence Southerly along said Easterly Subdivision line to its intersection with the Southerly line of Sublot No. 3 in said Subdivision;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 75th Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 53 in said Spangler Heirs Subdivision;

Thence Westerly along said prolongation; Southerly line and along the Southerly line of Sublot No. 10 and its Westerly prolongation to its intersection with the centerline of East 73rd Street;

Thence Southerly along said centerline to its intersection with the centerline of Simpson Avenue, N.E.;

Thence Westerly along said centerline to its intersection with the centerline of East 71st Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 4 in the Streater & Adams Subdivision as shown by the recorded plat in Volume 4 of Maps, Page 2 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation, Southerly line and Westerly prolongation to its intersection with the centerline of East 70th Street;

Thence Northerly along said centerline to the Easterly prolongation of the Northerly line of a parcel of land conveyed to The City of Cleveland by Deed dated October 4th, 1993 and recorded in Volume 93-10693, Page 37 of Cuyahoga County Records (said parcel also being known as PPN 118-08-025);

Thence Westerly along said Easterly prolongation, Northerly line and Westerly prolongation to its intersection with the centerline of East 69th Street;

Thence Southerly along said centerline to its intersection with a line drawn 200 feet Northerly of and parallel to Euclid Avenue;

Thence Westerly along said parallel line to its intersection with the Easterly line of a parcel of land conveyed to 6611 Properties LLC by Deed dated January 7th, 2002 and recorded as AFN 200201070050 of Cuyahoga County Records (said parcel also being know as PPN 118-06-025);

Thence Northerly along said Easterly line to its intersection with the Southerly lin of a parcel of land conveyed to 6111 Properties LLC by Deed dated January 7th, 2002 and recorded as AFN 200201070049 of Cuyahoga County Records (said parcel also being known as PPN 118-06-050);

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 66th Street;

Thence Northerly along said centerline of East 66th Street to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Joseph M. Stern Company by Deed dated January 18th, 1947 and recorded in Volume 6251, Page 696 of Cuyahoga County Records (said parcel also being known as PPN 118-06-048);

Thence Westerly along said Easterly prolongation of and Northerly line to its intersection with the Easterly line of a parcel of land conveyed to Robert Bondi by Deed dated November 22nd, 1996 and recorded in Volume 96-11542, Page 55 of Cuyahoga County Records (said parcel also being known as PPN 118-06-030);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel so conveyed;
 Thence Westerly along said Northerly line and the Westerly prolongation thereof to its intersection with the centerline of East 65th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of a 1.6641 Acre parcel of land shown on the Plat of Consolidation recorded in Volume 308, Page 10 of Cuyahoga County Records said parcel also being known as all of PPN (s) 118-04-047 and 008;

Thence Westerly along said prolongation of and Southerly line to its intersection with the Westerly line of said parcel;

Thence Northerly along said Westerly line to its intersection with its intersection with a Southerly line of said parcel;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 63rd Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 2 in the Clara Hannon's Subdivision as shown in Volume 15 of Maps, Page 29 of Cuyahoga County Records;

Thence Westerly along said prolongation and Southerly line of Sublot No. 2 to its intersection with the Westerly line of said Subdivision;

Thence Northerly along said Westerly line to its intersection with the Southerly line of Sublot No. 7 in said Subdivision;

Thence Easterly along said Southerly line and Easterly prolongation to its intersection with the centerline of East 63rd Street;

Thence Northerly along said centerline of East 63rd Street to its intersection with the centerline of Chester Avenue;

Thence Easterly along said centerline of Chester Avenue to the place of beginning.

and as outlined on the attached map is changed to a Midtown Mixed Use District 2: Chester Corridor East.

Section 3. That the Use, Area and Height Districts of lands described as follows;

Beginning in the centerline of Carnegie Avenue and its intersection with the centerline of East 79th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of a parcel of land conveyed to the City of Cleveland by Deed dated April 9th, 1997 and recorded in Volume 97-3130, Page 25 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation of and Southerly line to its intersection with the Easterly line of a parcel of land conveyed to Dionne Carmichael by Deed dated July 20th, 2005 and recorded AFN 200507200524 of Cuyahoga County Records (said parcel being also known as PPN 118-27-023);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the Easterly line of the George Watkins Subdivision as shown in Volume 4 of Maps, Page 21 of Cuyahoga County Records;

Thence Southerly along said Easterly line to its intersection with the Southerly line of Sublot No. 3 in said Subdivision;

Thence Westerly along said Southerly line to its intersection with the centerline of East 77th Street;

Thence Southerly along said centerline to its intersection with a line drawn 50 feet Northerly of and parallel to the Northerly line of the Northerly line of Cedar Avenue;

Thence Westerly along said parallel line to its intersection with the Westerly line of a parcel of land conveyed to 6530 Carnegie LTD by Deed dated July 21st, 1997 and recorded in Volume 97-7045, Page 20 of Cuyahoga County Records said parcel also being known as PPN 118-21-006;

Thence Northerly along said Westerly line to its intersection with the Northerly line of said parcel;

Thence Westerly along the Westerly prolongation of said Northerly line to its intersection with the centerline of East 65th Street;

Thence Northerly along the centerline of East 65th Street to its intersection with a line drawn 160 feet Southerly of and parallel to the Southerly line of Carnegie Avenue;

Thence Westerly along said parallel line to its intersection with the centerline of East 55th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to The City Mission by Deed dated March 3rd, 2001 and recorded as Auditor's File Number 20010301457 of Cuyahoga County Records;

Thence Westerly along the Easterly prolongation, Northerly line, and its Westerly prolongation to its intersection with the Easterly line of a parcel of land conveyed to Fresh Start, Inc. by Deed dated October 10th, 1968 and recorded in Volume 12364, Page 453 of Cuyahoga County Records (said parcel being also known as PPN 103-18-031);

Thence Northerly along said Easterly line to the Northerly line of said parcel;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the Easterly line of Sublot No. 3 in the George Williams Subdivision as shown in Volume 12 of Maps, Page 15 of Cuyahoga County Records;

Thence Northerly along said Easterly line to its intersection with the Northerly line of a parcel of land conveyed to Land Metropolitan CME Church by Deed dated March 6th, 1973 as recorded in Volume 13188, Page 895 of Cuyahoga County Records (said parcel also being known as PPN 103-18-004);

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 46th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of Sublots 19 through 23 in Henry F. Clark's Corrected Subdivision as recorded in Volume 4 of Maps, Page 10 of Cuyahoga County Records;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the Easterly line of a parcel of land conveyed to the Reno Hotel Inc. by Deed dated March 17th, 1975 and recorded in Volume 13816, Page 53 of Cuyahoga County Records (said parcel also being known as PPN 103-17-003);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Centennial Investments LP by Deed dated May 28th, 2002 and recorded as AFN 200205281003 (said parcel also being known as PPN 103-17-007);

Thence Easterly along said Westerly prolongation and Northerly line to its intersection with the Easterly line of said parcel;

Thence Southerly along said Easterly line to its intersection with the Westerly prolongation of the Northerly line of Sublot Numbers 12 and 13 in said Henry F. Clark's Corrected Subdivision;

Thence Easterly along said Westerly prolongation and Northerly Sublot line to its intersection with the Westerly line of Original Ten Acre Lot No. 71;

Thence Northerly along said Westerly line to its intersection with the centerline of Prospect Road;

Thence Southeasterly along said centerline to its intersection with the Northerly prolongation of the Westerly line of Sublot No. 9 in said Subdivision;

Thence Southerly along said Westerly line to its intersection with the Southerly line of a parcel of land conveyed to James C. Comella and Sherry E. Greer by Deed dated January 5th, 1993 and recorded in Volume 93-86, Page 20 of Cuyahoga County Records (said parcel being also known as PPN 103-17-014);

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the centerline of East 46th Street;

Thence Northerly along said centerline to its intersection with the centerline of Prospect Road;

Thence Southeasterly along said centerline of Prospect Road to its intersection with the Southerly prolongation of the Westerly line of a parcel of land conveyed to 5000 Prospect LTD., LLC by Deed dated January 11th, 2002 and recorded as AFN 200201111120 in Cuyahoga County Records;

Thence Northerly along said Southerly prolongation and Westerly line to its intersection with the Northerly line of said parcel;

Thence Easterly along said Northerly line and its Easterly prolongation to its intersection with the centerline of East 55th Street;

Thence Northerly along said centerline to its intersection with a line drawn 335 feet from and parallel to the Northerly line of Carnegie Avenue;

Thence Easterly along said parallel line to its intersection with the Westerly line of Parcel A-1 as shown on the Plat of Resubdivision as recorded in Volume 270, Page 37 of Cuyahoga County Records;

Thence Northwesterly along said Westerly line to its intersection with a Northwesterly line of said Parcel A-1;

Thence Southeasterly along said Northwesterly line to its intersection with a Northerly line of said parcel;

Thence Easterly along said Northerly line to a Westerly line thereof;

Thence Northerly along said Westerly line to a Northerly line thereof;

Thence Easterly along said Northerly line to its intersection with the centerline of vacated East 65th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of Sublot No. 14 in the Euclid Improvement Company Subdivision Unrecorded (said parcel also being known PPN 118-12-014);

Thence Easterly along said Westerly prolongation and Northerly line to its intersection with the Westerly line of a parcel of land conveyed to RBR Properties LTD by Deed dated May 22nd, 2000 and recorded as AFN 200005220253 of Cuyahoga County Records (said parcel being also known as PPN 118-13-001);

Thence Southerly along said Westerly line of PPN 118-13-001 to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Roderick Nassif by Deed dated September 25th, 2001 and recorded as AFN 200109250811 (said parcel being also known as PPN 118-13-017);

Thence Easterly along said northerly line and its Westerly prolongation to its intersection with the centerline of East 69th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Page Sumpter by Deed dated May 23rd, 1977 and recorded in Volume 14471, Page 645 of Cuyahoga County Records (said parcel being also known as 118-14-020);

Thence Easterly along said Northerly line and its Easterly prolongation to its intersection with the Westerly line of Sublot No. 19 in the Carnegie Euclid Company Subdivision as shown by the recorded plat in Volume 67 of Maps, Page 22 of Cuyahoga County Records;

Thence Southerly along said Westerly line of Sublot No. 19 to its intersection with the Southerly line of said parcel;

Thence Easterly along said Southerly line to its intersection with the centerline of East 70th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 11 in said Subdivision;

Thence Easterly along said Westerly prolongation, Southerly line, and Easterly prolongation to its intersection with the centerline of East 71st, Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to RAM Enterprises by Deed dated August 26th, 1983 as recorded in Volume 83-259, Page 533 of Cuyahoga County Records (said parcel also being known as PPN 118-15-025);

Thence Easterly along said Northerly line to its intersection with the Easterly line of said parcel;

Thence Southerly along said Easterly line to its intersection with the Southerly line of a parcel of land conveyed to Iron Mountain Safesite, Inc. by Deed dated October 22nd, 1999 and recorded as AFN 199910220132 of Cuyahoga County Records (said parcel being also known as PPN 118-15-003);

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the Easterly line of a parcel of land conveyed to Barbara Jalovec by Deed dated November 14th, 1967 as recorded in Volume 12173, Page 965 of Cuyahoga County Records (said parcel being also known as PPN 118-15-007);

Thence Northerly along said Easterly line to its intersection with the Westerly prolongation of the Northerly line of Sublot No. 6 in the C.E. Bolton & John E. Colby Subdivision as shown by the recorded plat in Volume 5, Page 36 in Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, Northerly line and Easterly prolongation to its intersection with the centerline of East 77th Street;

Thence Southerly along said centerline to its intersection with the centerline of Carnegie Avenue;

Thence Easterly along said centerline to the place of beginning.

and as outlined on the attached map is changed to a Midtown Mixed Use District 3: Carnegie Corridor.

Section 4. That the Use, Area and Height Districts of lands described as follows;

Beginning in the intersection of the centerline of Chester Avenue and the centerline of East 63rd Street;

Thence Southerly along said centerline of East 63rd Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 7 in the Clara Hannon's Subdivision and recorded in Volume 15 of Maps, Page 29 of Cuyahoga County Records;

Thence Westerly along said prolongation and Southerly line to its intersection with the Westerly line of said Subdivision;

Thence Southerly along said Westerly line to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 1 in said Subdivision;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 61st Street;

Thence Northerly along said centerline of East 61st Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 3 in the Southern & Adams Subdivision as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation, Southerly line and Westerly prolongation to its intersection with the centerline of East 59th Street;

Thence Northerly along said centerline of East 59th Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 12 of said Southern & Adams Subdivision;

Thence Westerly along said Easterly prolongation and Southerly line of Sublot No. 12 to its intersection with the Westerly line of said Southern & Adams Subdivision;

Thence Southerly along said Westerly line to its intersection with the Southerly line of Sublot No. 12 in the Cobb, Bradley & Wick Subdivision;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 57th Street;

Thence Southerly along said centerline of East 57th Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 39 in said Cobb, Bradley & Wick Subdivision;

Thence Westerly along said Easterly prolongation and Southerly line to its intersection with the Easterly line of a parcel of land conveyed to Sucha Singh by Deed dated September 23, 2003 and recorded as AFN 200309230962 in Cuyahoga County Records (said parcel also being known as PPN 118-02-021);

Thence Southerly along said Easterly line to its intersection with the Southerly line of said Singh parcel;

Thence Westerly along said Southerly line to its intersection with the centerline of East 55th Street;

Thence Southerly along said centerline of East 55th Street to its intersection with a line drawn 150 feet Northerly of and parallel to Euclid Avenue;

Thence Westerly along said parallel line to its intersection with the Easterly line of a parcel of land conveyed to Level 3 Communications by Deed dated August 26, 1999 and recorded as AFN 199908268969 of Cuyahoga County Records (said parcel also being known as PPN 103-09-011);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel so conveyed;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline to its intersection with the centerline of Chester Avenue;

Thence Easterly along said centerline to the place of beginning.

And also being all of Block C, Block A and a section of Parcel 3 in the Consolidation for Pierre's as shown by the recorded plat in Volume 270, Page 37 in Cuyahoga County Records excepting all of that portion of the aforementioned parcels lying within 100 feet of the Southerly line of Euclid Avenue.

and as outlined on the attached map is changed to a Midtown Mixed Use District 4: Chester Corridor West.

Section 4. That existing Sections 1, 2, 3, and 4 of Ordinance No. 1785-05, passed October 31, 2005, are repealed.

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 April 17, 2006.

Effective April 21, 2006.

REPRINT

Ord. No. 295-06.

By Council Members Zone and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

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

Section 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 157771)

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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 297-06.

By Council Members Zone and Sweeney (by departmental request). An emergency ordinance authorizing the purchase of natural gas by one or more requirement contracts, and authorizing the purchase of natural gas transportation services by one or more requirement contracts without competitive bidding with Dominion East Ohio Gas Company, for the various divisions of City government for a period of one year, with an option to renew for an additional one-year period.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period, with one option to renew for an additional one-year period, of the necessary item of natural gas, 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 City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That it is hereby determined that natural gas transportation services are non-competitive and cannot be secured from any source other than the Dominion East Ohio Gas Company. Therefore, the Director of Finance is authorized to make one or more written requirement contracts with the Dominion East Ohio Gas Company for the requirements for a one-year period, with one option to renew for an additional one-year period, of the necessary item of natural gas transportation services, 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 City government.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118761)

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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 454-06.

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 U.S. Department of Justice, Bureau of Justice Assistance for the 2006 Gang Resistance Education and Training Program; and authorizing the purchase by one or more requirement contracts of materials and supplies needed to implement the 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 \$180,000.00, from the U.S. Department of Justice, Bureau of Justice Assistance to conduct the 2006 Gang Resistance Education and Training ("GREAT") Program that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 454-06-A, made a part of this ordinance as if fully rewritten, including the obligation of the City to provide matching funds in the sum of \$20,000.00, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, are 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 period of the necessary items of materials and supplies needed to implement the grant, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of 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 the costs of the contract or contracts shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and from the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. 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 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.

Passed April 17, 2006.
Effective April 21, 2006.

REPRINT

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, Depart-

ment 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.

Passed April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 600-06.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to cause payment of 2006 membership dues of the City of Cleveland to be made to the Ohio Municipal League, NOACA, Mayors and Managers Association, U.S. Conference of Mayors, National

League of Cities, Greater Cleveland Partnership, and the Downtown Development Corporation. The membership dues for the Ohio Municipal League will include forty-five subscriptions to Cities and Village Magazine.

Section 2. That the payment for the dues and subscriptions shall be paid from Fund Nos. 01-999800-623100, 01-999800-623200, 01-999800-623300, 01-999800-623700, 01-999800-623800, 01-999800-624300, and 01-999800-624600, Request No. 146292.

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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 611-06.

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 Cuyahoga County Public Health Collaborative Program; to enter into one or more requirement contracts necessary to implement the program; to enter into one or more contracts with Executive Information Systems LLC to acquire license updates and any upgrades for SAS; and authorizing the Director to enter into one or more contracts with various agencies necessary to implement the 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 \$285,375, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the Cuyahoga County Public Health Collaborative Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 611-06-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 Health shall have the author-

ity to extend the term of the grant during the grant term.

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

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. 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 shall determine. Alternate bids for a period less than the grant 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 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Health may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Health is authorized to enter into one or more contracts with Executive Information Systems LLC for the acquisition of one or more license updates and any upgrades for SAS, including but not limited to installation, design, training, testing, technical support, server components, integration software and software maintenance for a period of one year.

Section 8. That the Director of Public Health is authorized to enter into one or more contracts with various entities for the implementation of the program as described in the file.

Section 9. That the cost of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 10. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 612-06.
By Council Members Britt and Sweeney (by departmental request).

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

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, the Director of Public Health is authorized to lease space and associated parking lots for office and administrative space for the Department of Public Health.

Section 2. That the term of the lease authorized by this ordinance shall not exceed one year, with one option to renew for an additional two year period, exercisable by the Director of Public Health.

Section 3. That the rent for the lease authorized by this ordinance shall be fair market value, exclusive of utilities, as determined by the Board of Control.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties to be consistent with the public purpose or purposes of providing office and administrative space for the Department of Public Health.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 7. That the Director of Public Health, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 8. That the Director of Public Health is authorized to extend the term of Contract No. 62484 with Mural Properties, on a month-to-month basis for a period not to exceed one year, for office and administrative space and associated parking lots for the Department of Public Health.

Section 9. That the costs of the lease and month-to month extensions shall be paid from Fund Nos. 01-500101-636000, 10 SF 804, 19 SF 475, 13 SF 158, 13 SF 178, and 13 SF 586, Request No. 137789.

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

Passed April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 613-06.
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 Case Western Reserve University for the Case Western Reserve Partnership 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 \$98,374, and any other funds that may become available during the grant term from Case Western Reserve University to conduct the Case Western Reserve Partnership 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 award letter and summary for the grant contained in the file described below.

Section 2. That the award letter and summary for the grant, File No. 613-06-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 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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 614-06.

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

An emergency ordinance authorizing the Director of Public Health to lease property known as 23600 Mercantile Road, Unit J, from Mercantile Associates for a term not to exceed one year, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

Whereas, the City of Cleveland requires certain space located at 23600 Mercantile Road, Unit J, in Beachwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections; and

Whereas, Mercantile Associates has proposed to lease the space to the City of Cleveland; 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, the Director of Public Health is authorized to lease from Mercantile Associates certain space more fully described as follows: approximately 5,400 square feet of space located at 23600 Mercantile Road, Unit J, Beachwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas ("Premises").

Section 2. That the term of the lease shall not exceed one year, beginning April 1, 2006.

Section 3. That the rent for the lease shall be a base rate of \$3,200 per month, including utilities and the Common Area Maintenance for 23600 Mercantile Road.

Section 4. That the lease may authorize the City to make improvements to the lease premises under terms to be determined by the parties consistent with the public purpose or purposes of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund No. 01-500302-636000, Request No. 149803.

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

Section 8. That the Directors of Public Health and Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other

actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 710-06.

By Council Members Polensek, Turner, Kelley, Westbrook, Brady and Dolan.

An emergency ordinance amending Section 2 of Ordinance No. 626-06 passed April 3, 2006 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program through the use of Ward(s) 11, 1, 16, 18, 19 and 21 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 Section 2 of Ordinance No. 626-06 passed April 3, 2006 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$71,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 626-06 passed April 3, 2006 is hereby repealed.

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 April 17, 2006.
Effective April 21, 2006.

REPRINT

Ord. No. 711-06.

By Council Member Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Nathan Hale Empowerment Program through the use of Ward 3 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 the Cleveland Church of Christ Economic Development, Inc. for the Nathan Hale Empowerment Program for the public purpose of providing educational classes on conflict management to City of Cleveland residents through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$9,000 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 April 17, 2006.
Effective April 21, 2006.

COUNCIL COMMITTEE MEETINGS

Monday, May 8, 2006

11:00 a.m.

Legislation Committee: Present: Cleveland, Chair; Cimperman, White, Pierce Scott. *Authorized Absence:* Dolan, Vice Chair; Lewis. *Unauthorized Absence:* Reed. *Pro-tem:* Turner.

2:00 p.m.

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

Tuesday, May 9, 2006

9:30 a.m.

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

1:30 p.m.

Employment, Affirmative Action and Training Committee: Lewis, Chair; Santiago, Vice Chair; Brancatelli, Turner, Coats. *Authorized Absence:* Johnson, Conwell.

Wednesday, May 10, 2006

10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Brady, Vice Chair; Britt, Polensek, Coats, Kelley, Cummins, Turner, Santiago.

1:30 p.m.

Public Utilities Committee: Zone, Chair; Cleveland, Polensek, Cummins, Dolan, Kelley, Westbrook, Santiago. Unauthorized Absence: Reed, Vice Chair.

Thursday, May 11, 2006

1:00 p.m.

City Planning (Zoning) Committee: Present: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Lewis, Dolan, Zone. Unauthorized Absence: Reed. Pro-tem: Santiago, Brady.

Monday, May 15, 2006

9:30 a.m.

Health and Human Services Committee and Public Parks, Property and Recreation Committee: Present in Health: Britt, Chair; Cleveland, Vice Chair; Kelley, Santiago, Con-

well, Westbrook, Reed. Pro-tem: White, Cummins, Johnson. Present in Parks: Johnson, Chair; White, Vice Chair; Brancatelli, Turner, Cummins, Kelley, Polensek.

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, Conwell, Britt, Pierce Scott, Zone, Coats, White, Brancatelli, Westbrook.

Tuesday, May 16, 2006

9:30 a.m.

Community and Economic Development Committee: Present: Pierce

Scott, Chair; Brancatelli, Vice Chair; Cummins, Coats, Westbrook, Brady, Zone, Lewis. Authorized Absence: Cimperman.

1:30 p.m.

Employment, Affirmative Action and Training Committee and Public Safety Committee: Present in Employment: Lewis, Chair; Brancatelli, Turner, Coats, Conwell. Authorized Absence: Johnson, Santiago, Vice Chair. Pro-tem: Brady.

Present in Safety: Conwell, Chair; Brady, Vice Chair; Polensek, Coats, Cummins, Turner. Authorized Absence: Kelley, Santiago, Britt.

Wednesday, May 17, 2006

1:00 p.m.

Public Utilities Committee: Present: Zone, Chair; Cleveland, Polensek, Cummins, Dolan, Kelley, Westbrook, Santiago, Reed.

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O—Ordinance; R—Resolution; F—File

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