

The City Record

Official Publication of the Council of the City of Cleveland



April the Twenty-Sixth, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Michael A. House, Executive Assistant to the Mayor, Press Secretary
 Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Counsel, Rm. 106
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, 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 Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
 Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
 Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
 Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, 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

Vol. 93

WEDNESDAY, APRIL 26, 2006

No. 4820

CITY COUNCIL

MONDAY, APRIL 24, 2006

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

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

Estabrook Recreation Center
4125 Fulton Road
Ward 16

Cleveland, Ohio

Monday, April 24, 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, Cummins, 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, Guzman, Interim Directors Ciaccia, Carroll and Rybka.

Pursuant to Ordinance No. 2926-76, prayer was offered by Council Member Robert J. White. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 767-06.

Re: Transfer of Ownership Application — 5337947 — Lucic Enterprises, Inc., d.b.a. Lucic's, 1204 Old River Road, mezzanine & patio. (Ward 13). Received.

File No. 768-06.

Re: Transfer of Ownership Application — 0251410 — ARA Enterprise, Inc., d.b.a. TKS Tavern, first floor and basement and patio, 6524 St. Clair Avenue. (Ward 13). Received.

File No. 769-06.

Re: Transfer of Ownership Application — 2528548 — E. 85791 Tavern, Inc., 787-91 East 185th Street, first floor and basement. (Ward 11). Received.

STATEMENT OF WORK ACCEPTANCE

File No. 770-06.

From the Department of Public Service — Contract No. 65242, Division of Purchasing Renovations. Received.

File No. 771-06.

From the Department of Public Service — Contract No. 65161, Renovations to the Glenville Waste Station. Received.

File No. 772-06.

From the Department of Public Service — Contract No. 64352, Ridge Road Overhead Door Replacement Project. Received.

OATH OF OFFICE

File No. 773-06.

Kim Johnson — Commissioner of Recreation. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 750-06 — Joseph L. Fortuna.

Res. No. 774-06—Walter R. Willis, Sr.

RECOGNITION RESOLUTIONS

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

Res. No. 775-06—Teresa M. Beasley.

Res. No. 776-06—Stacey R. Hall, LISW.

COMMEMORATION RESOLUTION

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

Res. No. 777-06—31st Anniversary of the Fall of Saigon.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 734-06.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of uniform clothing for security bailiffs, for the Department of Finance, on behalf of the Cleveland Municipal Court.

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, on behalf of the Cleveland Municipal Court, 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 uniform clothing for security bailiffs for Cleveland Municipal Court, 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 Finance, on behalf of the Cleveland Municipal Court. 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 146288)

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. 735-06.

By Council Members Johnson, 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 Department of Parks, Recreation and Properties 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 Department of Parks, Recreation and Properties 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 provide architectural and engineering services relating to 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. 01-700100-693000, 11 SF 006, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391 and 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. 156197.

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 Parks, Recreation and Properties, Public Service, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, Public Service, City Planning, Finance.

Ord. No. 736-06.

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

An emergency ordinance to amend Sections 240.01, 240.06, 240.08, 240.99, 365.02, 365.05, and 365.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1027-04, passed August 11, 2004, relating to lead hazards.

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 240.01, 240.06, 240.08, 240.99, 365.02, 365.05, and 365.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1027-04, passed August 11, 2004 are amended as follows:

Section 240.01 Definitions

The definitions contained in Section 3742.01 of the Revised Code, and OAC Rules 3701-30-01 and 3701-32-01 shall be applicable to this Chapter, except as supplemented or otherwise provided as follows:

(a) "Lead-Based Paint Free Certificate" means a certificate issued under this chapter that the property has been found to be lead-based paint free. In order to obtain the certificate, the owner shall meet the requirements of this Chapter for a Lead-Based Paint Free Certificate.

(b) "Lead Maintenance Certificate" means a certificate that entitles a property to the legal presumption in Section 3742.41 of the Revised Code that it does not contain a lead hazard and is not the source of the lead poisoning of an individual who resides or receives care there. In order to obtain the certificate, the owner or manager shall meet the requirements of this Chapter for a Lead Maintenance Certificate.

(c) "Commissioner" means the Commissioner of the Division of the Environment of the City of Cleveland unless otherwise expressly specified.

(d) "Department" means the City of Cleveland Department of Public Health unless otherwise expressly specified.

(e) "Landlord" has the meaning described in division (b) of Section 375.01 of the codified ordinances.

(f) "Lead Abatement" means a measure or a set of measures,

designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (1) Removal of lead-based paint and lead-contaminated dust;
- (2) Permanent enclosure or encapsulation of lead-based paint;
- (3) Replacement of surfaces or fixtures painted with lead-based paint;
- (4) Removal or permanent covering of lead-contaminated soil;
- (5) Preparation, cleanup, and disposal activities associated with lead abatement.

"Lead abatement" does not include any of the following:

- (1) Preventive treatments performed under Section 3742.41 of the Revised Code;
- (2) Implementation of interim controls;
- (3) Activities performed by a property owner on a residential unit to which both of the following apply:

A. It is a freestanding single-family home used as the property owner's private residence;

B. No child under six years of age who has had lead poisoning resides in the unit.

(4) Renovation, remodeling, landscaping or other activities, when the activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. This definition shall not be interpreted to exempt any person from any requirement under State or federal law regarding lead abatement, including lead hazard control orders or requirements for full abatement of lead-based paint in certain federally-funded projects.

(g) "Lead hazard" means the presence of lead-based paint or lead-contaminated dust or lead-contaminated soil or lead-contaminated water pipes at levels described as hazardous in Ohio Administrative Rule 3701-32-19 as that rule exists at the time of passage of this section or as it may be amended.

(h) "Rental agreement" has the meaning described in **division (c) of Section 375.01** of the codified ordinances.

(i) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

(j) "Tenant" has the meaning described in **division (c) of Section 375.01** of the codified ordinances.

(k) "Zero-bedroom dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

Section 240.06 Disclosures In Sale or Lease of Target Housing Regarding Lead Hazards

(a) Disclosure in purchase or lease of target housing.

(1) To ensure the application of their requirements to the sale or lease of target housing in the City limits, the rules and regulations that are promulgated by the Secre-

tary and the Administrator of the Environmental Protection Agency under the Residential Lead-Based Paint Hazard Reduction Act of 1992, Title 42 U.S.C. Section 4852d, and their successor regulations, are adopted and incorporated into this code as **these** rules and regulations exist at the time of passage of this chapter or as they may be amended. Before a purchaser or tenant is obligated under any contract to purchase or rental agreement to lease the target housing, the seller or lessor shall perform the activities and provide the disclosures described in this section.

A. Provide the purchaser or tenant with an EPA-approved lead hazard information pamphlet;

B. Disclose to the purchaser in writing in the sales contract, or tenant, both orally and in writing in the rental agreement, all of the following: (i) the presence of any known lead-based paint, or any known lead hazards, in the housing; (ii) any additional information available concerning the location of the lead-based paint and/or lead hazards, and the condition of the painted services; (iii) whether the property owner has a current **Lead Maintenance Certificate or Lead-Based Paint Free Certificate** and the length of time of its coverage; (iv) provide to the purchaser or tenant any records or reports (including notices or letters of violation) available pertaining to lead-based paint hazards or lead hazards in the target housing, including regarding common areas; and (v) records or reports regarding other residential dwellings in multi-family target housing, provided that the information is part of an evaluation or reduction of lead-based paint and/or lead hazards in the target housing.

C. Permit the purchaser a 10-day period (unless the parties mutually agree in writing upon a different period of time or to waive this requirement) to conduct a lead risk assessment or lead inspection for the presence of lead paint or lead hazards.

D. Include in the contract for sale or rental agreement for lease the Lead Warning Statement prescribed in 40 C.F.R. Sec. 745.113.

E. Include in the contract for sale or rental agreement for lease acknowledgments that the pamphlet, disclosures, 10-day period (if required) and warning required were provided.

(2) *Discovery of lead hazard prior to the expiration of a lease.* If the owner of a residential unit learns of the presence of lead paint prior to the expiration of a lease, the owner shall notify each tenant of the presence of lead paint within 10 days of discovering its presence. In addition, the owner shall provide each tenant with a Lead Warning Statement and the lead hazard information pamphlet, as prescribed by 42 USC Section 4852d.

(3) *Compliance assurance.* The rules and regulations requiring the agent, on behalf of the seller or lessor, to assure compliance with the requirements issued under the Residential Lead-Based Paint Hazard Reduction Act of 1992, Title 42 U.S.C. Section 4852d, and their successor regulations, are adopted and incorporated into this code as **these** rules and regulations exist at the time of passage of this chapter or as they may be amended, and apply to an agent whenever a seller or

lessor has entered into a contract with the agent for the purpose of selling or leasing a unit of target housing in the City limit. An agent is defined as any party who enters into a contract with a seller or lessor, for the purpose of selling or leasing pre-1978 housing.

(b) *Penalties for Violations.*

(1) *Criminal Penalty.* Any person who knowingly fails to comply with a provision of this section shall be subject to the penalties provided in Section 240.99 of the codified ordinances.

(2) The Director of Public Health or Commissioner is authorized to take lawful action as may be necessary to enforce this section or to enjoin any violation of it.

(3) *Civil Liability.* As provided in the Federal Residential Hazard Reduction Act at 42 USC 4852d(b), any person who violates any provision of this section will be jointly and severally liable to the purchaser or lessee in an amount equal to three times the amount of damages incurred by the individual. **In addition, a tenant may recover from the landlord, where actual damages are not shown, minimal damages of not less than \$50.00, nor greater than \$500.00, together with reasonable attorney's fees.**

(4) In any action brought for damages under this section, the appropriate court may award court costs to the party commencing the action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(5) A non-profit environmental health or housing rights organization is authorized to bring an action under **division (b)(3)** of this section on behalf of an aggrieved individual or individual(s) for violations of this section. Such organization may recover its costs under the remedies provided in **divisions (b)(3)** and **(b)(4)** of this section if the organization demonstrates that it has exerted organizational resources, including staff time, to investigate the alleged non-compliance with this section.

(c) *Validity of contracts for purchase and sale and liens.* Nothing in this section may affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor may anything in this section create a defect in title.

Section 240.08 Lead-Based Paint Free Certificates and Lead Maintenance Certificates; Fee

(a) The owner of a property constructed before 1978, which is used as a residential unit, child day-care facility, or school may obtain a **Lead-Based Paint Free Certificate** for that property. The certificate entitles the owner, manager, or agent of the property to a legal presumption that the property is lead based-paint and **lead-based paint** hazard free. The owner of the property shall comply with the provisions of this section applicable to obtaining a **Lead-Based Paint Free Certificate** to be entitled to that presumption. The legal presumption established under this section applies to any enforcement action under this Code and is rebuttable in a court of law only on a showing of clear and convincing evidence to the contrary.

(b) The owner of a property constructed before 1978, which is used as a residential unit, child day-care facility, or school may obtain a **Lead Maintenance Certificate**. The certificate entitles the owner, manager, or agent of the property to a legal presumption that the property does not contain a **lead-based paint** hazard and is not the source of the lead poisoning of an individual who resides in the unit or receives child-care or education at the facility or school. The owner of the property shall comply with the provisions of this section applicable to obtaining a **Lead Maintenance Certificate** to be entitled to that presumption. The legal presumption established under this section applies to any enforcement action under this Code and is rebuttable in a court of law only on a showing of clear and convincing evidence to the contrary.

(c) To obtain a **Lead-Based Paint Free Certificate**, the owner of the property shall comply with the following provisions:

(1) A licensed lead inspector shall inspect the property for which the owner is seeking a **Lead-Based Paint Free Certificate**. The licensed lead inspector shall be certified under the Federal certification program or under a federally accredited State or tribal certification program and shall issue a report. The inspector shall certify in the report that the property is free of **lead-based paint**.

(2) The owner or manager of the unit, facility, or school shall submit an application for a **Lead-Based Paint Free Certificate**, with the City **Division of Licenses and Assessments** that contains a copy of the report described in **division (c)(1) of Section 240.08** and pay a filing fee of **\$10.00 per unit** to the City **Division of Licenses and Assessments**.

(3) To maintain the **Lead-Based Paint Free Certificate**, a seller, lessor, or agent of a property that is being sold or leased, shall continue to meet the disclosure requirements of Section 240.06 of the codified ordinances and, as part of that sections disclosure requirements in **divisions (a)(i), (b)(ii), (b)(iii) and (b)(v) of Section 240.06**, disclose whether a certificate covers the property.

(4) **Conflict of Interest**. A **Lead-Based Paint Free Certificate** and a **Lead Maintenance Certificate** is not valid unless the inspector certifying that the property that is certified meets the following criteria:

A. The inspector is not the property owner or an immediate family member, agent or employee of the property owner.

B. The inspector is not part of a company or associated with a company that is directly or beneficially owned, controlled or managed by the property owner, or by an immediate family member, agent or employee of the property owner.

C. The inspector is not a person hired by or under contract with the property owner to manage or maintain the property owner's real property as directed by the property owner.

D. The inspector is not a person who has been authorized by the property owner to manage or maintain the property owner's real property on the property owner's behalf.

E. The inspector is not a person who has a financial interest in the laboratory results of the sampling

or testing or in the determination of whether the property meets the **applicable** property standards.

(5) If the owner or manager of a residential unit uses the unit as a rental dwelling, then a copy of the **Lead-Based Paint Free Certificate**, shall be submitted with the application for a certificate of rental registration that is required by Section 365.02 of the codified ordinances.

(d) To obtain a **Lead Maintenance Certificate**, the owner of the property shall comply with the following provisions:

(1) The owner or manager of the unit, facility, or school shall successfully complete both of the preventive treatments described in **divisions (A)(1) and (2) of Section 3742.41 of the Revised Code**. If the lead hazards are in historic property, the owner or manager may meet the requirements of **division (B) of Section 3742.41 of the Revised Code** instead.

(2) The owner or manager of the unit, facility, or school shall file annually with the City **Division of Licenses and Assessments** an application for a **Lead Maintenance Certificate** with an notarized affidavit by an owner or manager of the property certifying that that owner or manager has successfully completed the requirements in **division (d)(1) of Section 240.08**. In addition, the owner or manger shall pay a filing fee of **\$10.00 per unit** to the City **Division of Licenses and Assessments**.

(3) To maintain the **Lead Maintenance Certificate**, a seller, lessor, or agent of a property that is being sold or leased, shall continue to meet the disclosure requirements of Section 240.06 of the codified ordinances and, as part of that section's disclosure requirements in **divisions (a)(i), (b)(ii), (b)(iii) and (b)(v) of Section 240.06**, disclose whether a certificate covers the property.

(4) If the owner or manager of a residential unit uses the unit as a rental dwelling, then a copy of the **Lead Maintenance Certificate** shall be submitted with the application for a certificate of rental registration that is required by Section 365.02 of the codified ordinances.

(e) **Information Required In Application**. The application for a **Lead Maintenance Certificate** shall contain the following information:

A. The street address or other identifying characteristics of the building or other structure;

B. The name, address, and telephone number of the owner or owners of the premises. In the case of a partnership, the names of all general partners;

C. If the record owner is a corporation, the names, addresses and telephone numbers of the current statutory agent and all corporate officers of that corporation.

D. The name, address, and telephone number of the managing agent of the premises, if any.

E. The name, address of the residential unit (including apartment or room number), residential structure, child day-care facility, or school, and telephone number of the superintendent, custodian or other individual employed by the owner or managing agent to provide regular maintenance services, if any.

F. The use district, ward, and census tract, in which the structure is located.

G. The use and occupancy authorized.

H. The appropriate designation as lead-safe maintained or lead free, and the effective and expiration dates.

(f) **Transfer of Certificate**. When a person obtains both equitable title and legal possession of a property covered by a **Lead Maintenance Certificate** any certificate issued to the previous property owner is no longer in effect unless the following requirements are met:

(1) The new property owner submits a signed and dated written notice of the change in ownership of the property to the Department of Building and Housing within 60 days after the date on which the new property owner obtains both equitable title and legal possession of property covered by the certificate. The property owner's name and mailing address shall be provided in the notice.

(2) The property owner pays the fee of \$25.00 for an amended certificate.

(3) The new property owner complies with the conditions for maintaining the certificate under this Chapter.

(g) **Expiration dates of Certificates**. A **Lead-Based Paint Free Certificate** is valid until revoked, which shall be stated on each **Lead-Based Paint Free Certificate**. A **Lead Maintenance Certificate** is valid for a period of one year from the date that it is issued, which shall be stated on each **Lead Maintenance Certificate**.

(h) **Conditions for Maintaining A Lead Maintenance Certificate**. To maintain a **Lead Maintenance Certificate**, a property owner shall maintain compliance with all standards for obtaining that certificate and all laws applicable to lead hazards described in this chapter. Failure to maintain compliance will result in the revocation of the **Lead Maintenance Certificate** by the Director of the Department of Building and Housing or the Director of the Department of Public Health.

(i) The City of Cleveland is enacting and enforcing the provisions of this Chapter only to promote the public health, safety and welfare and for obligations imposed upon it by the State of Ohio under delegation by the Ohio Department of Health. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that the breach proximately caused injury. In addition, nothing in this Chapter may be interpreted to limit the City of Cleveland's statutory immunity afforded by Chapter 2744 of the Revised Code.

Section 240.99 Penalties

(a) Whoever violates division (f) of Section 240.03 is guilty of a minor misdemeanor.

(b) Whoever violates any provision of Chapter 240 for which no other penalty is provided or rule or regulation or order under this chapter is guilty of a misdemeanor of the first degree. Except for a violation of division (f) of Section 240.03, each day during which noncompliance or a violation continues shall constitute a separate offense.

(c) As provided by Sections 2901.23 and 2929.31 of the Revised Code organizations convicted of an offense **are guilty** of a misdemeanor of the first degree.

Section 365.02 Issuance of Certificate of Rental Registration; Revocation

(a) Application for a certificate of rental registration required by the provisions of this Housing Code shall be made by supplying the information and data necessary to determine the owner, agent and/or person in charge and to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy, or the intended use of occupancy, on forms supplied by the Director of Building and Housing. Information to be supplied on an application shall include, but is not limited to, the following:

(1) The name, address, social security number or federal tax identification number and telephone number of the owner or owners of the premises. In the case of a natural person or persons, the date or dates of birth. In the case of a partnership, the names, addresses, social security numbers, dates of birth and telephone numbers of all general partners. In the cases of a corporation, the names, addresses, social security numbers, dates of birth and telephone numbers of the current statutory agent and all corporate officers of the corporation. The address for corporations and partnerships shall be the principal place of business and the address for persons shall be the home address.

(2) The name, address, social security number or federal tax identification number and telephone number of the managing agent of the premises, if any. In the case of a natural person or persons, the date or dates of birth. In the case of a partnership, the names, addresses, social security numbers, dates of birth and telephone numbers of the current statutory agent and all corporate officers of the corporation. The address for corporations and partnerships shall be the principal place of business and the address for persons shall be the home address.

(3) For a property to be covered by **Lead Maintenance Certificate** or **Lead-Based Paint Free Certificate**, the owner shall comply with the provisions in Section 240.08 of the codified ordinances to obtain such a certificate and a copy of the **Lead Maintenance Certificate** or **Lead-Based Paint Free Certificate** shall also be submitted with the application for a certificate of rental registration.

The Director may require the submission of an affidavit stating such information and he may cause a general inspection of the structure or premises to be made.

(b) If the owner of a residential unit resides or is located outside of Cuyahoga County, the owner shall designate in his application the name, current address, social security number, date of birth and telephone number of an agent who is a natural person and who resides within Cuyahoga County, and who is authorized by the owner to receive service of a Notice of Violation on the owner's behalf. An agent designated under this section shall be of sound mind and at least eighteen years of age. It is the owner's obligation to notify the Director of Building and Housing, in writing, of any change in the name, address, and/or telephone number of any agent designated.

(c) If it is found that a building or other structure is in compliance with the provisions of this Code and all other applicable laws, ordinances, rules and regulations, the Director of Building and Housing shall issue a certificate of rental registration containing the following:

(1) The street address or other identifying characteristics of the building or other structure.

(2) The name, address and telephone number of the owner or owners of the premises. In the case of a partnership, the names of all general partners.

(3) If the record owner is a corporation, the names, addresses and telephone numbers of the current statutory agent and all corporate officers of said that corporation.

(4) The name, address and telephone number of the managing agent of the premises, if any.

(5) The name, address (including the dwelling unit, apartment or room number) and telephone number of the superintendent, custodian or other individual employed by the owner or managing agent to provide regular maintenance services, if any.

(6) The name, address and telephone number of an individual representative of the owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises of any unit of dwelling place in that structure, including such emergencies as the failure of a utility system or service, and who has the authority to make emergency decisions concerning the building including its repairs or expenditures.

(7) The use district, ward, and census tract in which the structure is located.

(8) The use and occupancy authorized.

(9) That the building or other structure was found to be in compliance with the applicable provisions of this code and all other applicable laws, ordinances, rules and regulations.

(10) Whether a **Lead Maintenance Certificate** or **Lead-Based Paint Free Certificate** was issued and the expiration date of either of those certificates.

The rental registration certificate shall not be valid beyond the last day of the twelfth month following the date of issuance, unless it has been renewed prior to that day and it was renewed in the same manner required for issuance of the original certificate of rental registration.

(d) Copies of all applications and certificates of rental registration shall be kept on file by the Director of Building and Housing as a public record, except those portions that are prohibited from being released by state or federal law.

(e) The Director of Building and Housing has the power to revoke a certificate of rental registration if any false statement is made by the applicant in connection with the issuance of such certificate, or if the structure that was covered by it is no longer in compliance with the requirements of this Code, or if the owner, agent or person in charge of a structure refuses to comply with any provision of this Code required for the use, maintenance and/or occupancy of a structure.

(f) An owner of a structure shall give prompt notification of a change in the name, address and/or telephone number of a corporation, part-

nership or person listed on a certificate of rental registration under division (c)(2) through (c)(7) of this section to the Director of Building and Housing within seven days after the change occurs. If the owner fails to give written notification as required in this section, then the Commissioner may revoke the certificates of rental registration until such time that the owner has provided in writing the changed name, address and/or telephone number.

In addition to revocation of the certificate of rental registration, whoever violates division (f) of this section shall be fined not more than two hundred dollars. Each three-month period during which the violation continues is a separate offense.

Section 365.05 Fees

(a) An application for a certificate of rental registration shall be accompanied by a nonrefundable fee calculated under the following schedule:

For Each Unit:

(1) \$35.00 Rental Registration Fee.

(2) \$5.00 Lead Inspection Fee.

A. This \$5.00 fee is waived if the structure was constructed on or after 1978.

B. This \$5.00 fee is waived if a **Lead Maintenance Certificate** or **Lead-Based Paint Free Certificate** covers the structure for the period of the certificate of rental registration.

(b) No fee shall be charged for a dwelling unit occupied by the owner.

(c) No fees shall be collected from any one owner for all properties owned by that owner within the City in excess of \$15,000 per calendar year per building.

(d) A certificate may be renewed prior to expiration on application and payment of the fee described above. A certificate that has expired may be renewed on payment of an additional fee of fifty dollars if renewed within one month of its expiration and a further additional fee of ten dollars per month thereafter.

Section 365.07 Lead Maintenance Certificates and Lead-Based Paint Free Certificate

(a) *Definitions.* Whenever a term is used in this Chapter that pertains to a **Lead-Based Paint Free Certificate** or **Lead Maintenance Certificate**, that term shall be given the meaning it has in Chapter 240 of the Codified Ordinances.

(b) A **Lead Maintenance Certificate** and a **Lead-Based Paint Free Certificate** shall meet the requirements of Section 240.08 of the Codified Ordinances.

(c) The City of Cleveland is enacting and enforcing the provisions of this Chapter regarding **Lead Maintenance Certificates** and **Lead-Based Paint Free Certificates** only to promote the public health, safety and welfare and for obligations imposed upon the State of Ohio performed by the City of Cleveland Department of Public Health under delegation by the State of Ohio. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury. In addition, nothing in this Chapter may be interpreted to limit the City of Cleveland's statutory immunity afforded by Chapter 2744 of the Revised Code.

Section 2. That existing Sections 240.01, 240.06, 240.08, 240.99, 365.02, 365.05, and 365.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1027-04, passed August 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 Public Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

Ord. No. 737-06.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of fuel, maintenance and aviation insurance for two helicopters and their equipment, for the Division of Police, Department of Public Safety, for a period of one year with an option to renew for one additional year.

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

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

Section 1. That the Director of 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 one year of the necessary items of fuel, maintenance and aviation insurance for two helicopters and their equipment, in the approximate amount as purchased during the preceding term, with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year consecutive term, and cancelable on thirty days written notice by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board

of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 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 145536)

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; Committee on Public Safety.

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.

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 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is amended to read as follows:

Section 133.29 Golf Course Fees

The Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses, provided, however, that the fees regarding banquet room rental at Highland Park may be amended from time to time by the Board of Control:

(a) Regular rates. To qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

(1) <u>For City residents:</u>	<u>Monday-Friday</u>	<u>Weekends</u>
9 holes	\$11.50	\$12.00
18 holes	\$22.00	\$23.00
(2) <u>For non-City residents:</u>	<u>Monday-Friday</u>	<u>Weekends</u>
9 holes	\$12.50	\$13.00
18 holes	\$24.00	\$25.00

(b) Senior rates: (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification. To also qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency and age by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

(1) <u>For City residents:</u>	<u>Rate</u>
9 holes	\$ 8.00
18 holes	\$15.00
(2) <u>For non-City residents:</u>	<u>Rate</u>
9 holes	\$ 9.00
18 holes	\$17.00

(c) 18-Hole Special Rate: (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for the discounted green fee, a player would be required to rent a riding cart.

(1)	<u>For City residents:</u>	<u>Rate</u>
	Regular	\$18.00
	Senior	\$14.00
(2)	<u>For non-City residents:</u>	<u>Rate</u>
	Regular	\$20.00
	Senior	\$16.00

(d) Junior rates: (Applicable before 3:00 p.m. Monday through Friday and after 3:00 p.m. on weekends and holidays). To qualify for junior rates, a player must be eighteen (18) years old or younger and must provide positive photo identification. To also qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency and age by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof.

(1)	<u>For City residents:</u>	<u>Rate</u>
	9 holes	Free
	18 holes	\$ 8.00
(2)	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$ 9.00
	18 holes	\$17.00

(e) Winter rates: To qualify for City Residency rates, a player must reside in the City of Cleveland and verify residency by providing photo identification and one other item determined by the Commissioner of Recreation to be acceptable proof. The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(1)	<u>For City residents:</u>	<u>Rate</u>
	9 holes	\$10.00
	18 holes	\$19.00
(2)	<u>For non-City residents:</u>	<u>Rate</u>
	9 holes	\$11.00
	18 holes	\$21.00

(f) Additional 9 holes. Players under categories listed above who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

- (g) Tent Rental:** \$230.00
- (h) Banquet Room Rental at Highland Park.**

(1) All rental rates for the banquet room shall be set by the Board of Control, which shall include rental schedules for City residents and non-City residents.

(2) Rental rates shall be based on a four (4) hour period, which will include at no charge up to one (1) hour before the event for set-up and up to one (1) hour after the event for clean-up. Any events, not including the above-referenced set-up and clean-up times, exceeding the four (4) hour period, shall be charged for each additional hour, or portion of an hour, used. Rental rates for the room, including additional charges for exceeding the four (4) hour period, shall be set by the Board of Control. The banquet room closes at 12:00 a.m. on Friday through Sunday and Holidays and at times determined by the Commissioner of Recreation on Monday through Thursday. All events shall end one-half hour before the facility closes. The City's Concessionaire shall be used exclusively to provide food and beverages for all catered events, unless the Director approves the use of an independent caterer. All beverages, including alcoholic beverages, shall be purchased from the City or the City's Concessionaire. Security is to be provided through the Village of Highland Hills Police Department and it is the responsibility of the group renting the banquet room to arrange and pay for such security, as billed by the Village of Highland Hills Police Department.

(3) Rental of the banquet room for golf outings. The golf outing must conclude one-half hour before the golf course closing time. Events exceeding the four (4) hour rental period described above, are subject to additional charges. If the event is to be catered by the City's Concessionaire, the rental fee for the room for a maximum period of four (4) hours, shall be included in the caterer's per-person meal cost.

(4) Golf leagues established for the season at Highland or Seneca golf courses may use the banquet room at no charge once per golf season. Events shall be held Monday through Friday and shall conclude by 5:00 p.m.

(i) Net proceeds from fees collected at the Highland and Seneca Golf Courses shall be expended for facility improvements at the golf courses.

Section 2. That existing Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, 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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Legislation, Finance.

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.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 32 from the United States Government; 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 Community Development Block Grant funds in the amount of Ninety Thousand Dollars (\$90,000) from Fund No. 14 SF 032, Request No. 149526, are appropriated for costs of the Department of Community Relations incurred in Fund 13 following the appropriate federal regulations associated with conducting the Fair Housing Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Community Relations is authorized to enter into one or more contracts with various non-profit and for-profit agencies providing services necessary to implement the Fair Housing Program.

Section 3. That the cost of the contracts authorized in this ordinance shall not exceed \$90,000, and shall be paid from Fund No. 14 SF 032.

Section 4. That prior to expending funds under this ordinance, the Director of Community Relations and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

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.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 32 from the United States Government; 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 Community Development Block Grant funds in the

amount of One Hundred Sixty Thousand Dollars (\$160,000) from Fund No. 14 SF 032, Request No. 149525, are appropriated for costs of the Department of Aging incurred in Fund 13 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

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.

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 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 in the City of Cleveland.

Section 2. That the Director of Community Development is authorized to accept monies in repayment under this program and utilize the repayments for additional expenditures under this program and administrative expenses, and the repayments are appropriated for this purpose.

Section 3. That the aggregate cost of the contracts referred to in Section 1 shall not exceed \$127,000.00, and shall be paid from Fund No. 14 SF 032, Request No. 149530.

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. 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.

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 contracts with one or more non-profit agencies to operate a community gardening program.

Section 2. That the cost of the contract or contracts shall not exceed \$110,000.00, and shall be paid from Fund No. 14 SF 032, Request No. 149527.

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

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

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.

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 Federal Home Grant funds in the amount of Three Hundred Thousand Dollars (\$300,000) are appropriated for anti-predatory lending and foreclosure prevention assistance programs.

Section 2. That the Director of Consumer Affairs is authorized to enter into one or more contracts with various organizations to provide counseling, training, marketing, program evaluation and other services required for anti-predatory lending and foreclosure prevention assistance.

Section 3. That the aggregate cost of the contracts shall not exceed \$300,000 and shall be paid from Fund No. 19 SF 600, Request No. 149528.

Section 4. That prior to expending funds under this ordinance, the Directors of Consumer Affairs and Community Development shall enter into a memorandum of understanding for this program.

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

Ord. No. 744-06.

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

An emergency ordinance to amend the title and Sections 9, 10, and 12 of Ordinance No. 2152-03, passed January 5, 2004; and to supplement the ordinance by adding new Sections 8a and 8b, relating to contracts regarding the donation, improvement, and reuse of the St. Michael Hospital in the City's Broadway neighborhood.

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 Sections 9, 10, and 12 of Ordinance No. 2152-03, passed January 5, 2004, are amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to accept a donation of money, and the real property and improvements known as St. Michael Hospital in the City's Broadway neighborhood; authorizing the Director to enter into a lease agreement with UHS-Saint Michael Hospital, Inc. ("UH") to lease the donated property to St. Michael for a period not to exceed twelve months; authorizing the Director to apply for and accept grants and gifts from public and private entities; authorizing the Director of **Parks, Recreation and Properties or Community Development, as appropriate**, to employ one or more professional consultants to conduct a feasibility study regarding the future use of the donated property **and to provide professional services necessary for the management and reuse of the donated property; authorizing the appropriate Director to enter into one or more contracts with Partners Environmental consulting, Inc. for professional services necessary to perform environmental or engineering services;** and determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the donated property, including but not limited to, environmental remediation, site improvements, and other improvements recommended by the feasibility study and accepted by the **appropriate Director;** and authorizing the **appropriate Director** to enter into one or more public improvement contracts for the making of the improvement; and authorizing a donation agreement between the City and St. Michael and University Hospitals.

Section 9. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving certain portions of the donated property, including but not limited to, environmental remediation, site improvements, and other improvements accepted by the **appropriate Director**, and other portions of the donated property as recommended by the feasibility study and accepted by the **appropriate Director**, 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 10. That the Director of **Parks, Recreation and Properties or Community Development, as appropriate**, is authorized to enter into one or more contracts for the making of the public improvements 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 **appropriate Director** the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 12. That the Director of **Parks, Recreation and Properties or Community Development, as appropriate** and the Director of 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 donations and lease authorized by this ordinance, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary to accept the property.

Section 2. That the existing title and Sections 9, 10, and 12 of Ordinance No. 2152-03, passed January 5, 2004, are repealed.

Section 3. That Ordinance No. 2152-03, passed January 5, 2004, is supplemented by adding new Sections 8a and 8b to read as follows:

Section 8a. That the Director of Parks, Recreation and Properties or Community Development, as appropriate 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 for the management and reuse of the donated property, including but not limited to, environmental or engineering services not performed under Section 8b of this ordinance.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties or Community Development, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties or Com-

munity Development, as appropriate, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties or Community Development, as appropriate, and certified by the Director of Finance.

Section 8b. That the Director of Parks, Recreation and Properties or Community Development, as appropriate, is authorized to enter into one or more contracts with Partners Environmental Consulting, Inc. for professional services necessary to perform environmental or engineering services not performed under Section 8a of this ordinance, on the basis of its proposal dated January 3, 2006, in an amount not to exceed \$15,000, for the Department of Community Development.

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, Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Public Parks, Property and Recreation, City Planning, Finance.

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.

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 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. The agreements shall not exceed \$700,000.00 and shall be paid from Fund No. 14 SF 032, Request Nos. 149524.

Section 2. That the Director of Community Development is authorized to accept program income monies in repayment from community development corporations under the Storefront Renovation Program and to utilize this program income, other Community Development Block Grant program income and Kiosk program income in a revolving fund for additional expenditures under the Storefront Renovation Program, and such program

income is hereby appropriated for that purpose.

Section 3. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans, costs and fees under the City's Storefront Renovation Program.

Section 4. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Storefront Renovation Program.

Section 5. That the Director of Community Development is authorized to collect from persons or entities with whom the City is entering into loan agreements or forbearance agreements an amount equal to any amount spent for services related to such agreements, such as title searches, credit bureau reports and document filing fees. Such fees shall be deposited into Fund No. 14.

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

Ord. No. 746-06.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 171.03, relating to the employment of health care professionals for employee examinations; and to repeal Section 169.02 of the codified ordinances.

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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 171.03, to read as follows:

Section 171.03 Employment of Health Care Professionals for Employee Examinations

The Director of Personnel and Human Resources or the Civil Service Commission, through its Secretary, are authorized to employ by one or more written contracts health service professionals, including hospitals, clinics, medical providers, physicians, psychiatrists, and psychologists to conduct, on an as-needed basis, medical examinations or testing of City of Cleveland employees and applicants for positions in the administrative service of the City of Cleveland. The cost of the contract or contracts shall be

payable from funds appropriated for this purpose.

Section 2. That Section 169.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1572-85, passed July 22, 1985, 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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Legislation, Finance.

Ord. No. 747-06.

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

An emergency ordinance to amend Section 123.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1536-88, passed June 20, 1988, relating to the rental of sites and purchase of food, refreshments, and mementos.

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 123.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1536-88, passed June 20, 1988, is amended to read as follows:

Section 123.031 Rental of Site and Purchase of Food, Refreshments, and Mementos

(a) The Director of Personnel and Human Resources shall have the authority to expend funds in order to provide food, refreshments, mementos and, if necessary, to rent a site for the following:

(1) **Training sessions conducted jointly with the labor unions relating to dispute resolution and other labor-related issues;**

(2) **Employee programs and events sponsored by the Department of Personnel and Human Resources;**

(3) **Meetings to conduct labor negotiations;**

(4) **Training evaluation meetings held by DERS trainers to review City programs in progress and discuss new programs;**

(5) **Events honoring employees for work-related achievements, including but not limited to, the annual employees' service award program; and**

(6) **Events honoring employees for raising contributions for charitable organizations.**

(b) **The Director of Personnel and Human Resources is authorized to enter into one or more contracts with vendors to obtain the food, refreshments, mementos, and to rent locations under division (a) of this section, payable from funds appropriated for this purpose.**

Section 2. That existing Section 123.031 of the Codified Ordinances of

Cleveland, Ohio, 1976, as amended by Ordinance No. 1536-88, passed June 20, 1988, 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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Legislation, Finance.

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.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Slavic Village Development to provide economic development assistance to finance the repair and upgrade of the Dolloff Road Municipal Parking Lot.

Section 2. That the costs of the grant shall not exceed an amount of \$113,500.00 and shall be paid from Fund No. 17 SF 652, Request No. 103698.

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

Section 4. 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 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 751-06.

By Council Member Turner.

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the Harvard Community Services Center for the Community Bridge Building 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 a contract with the Harvard Community Services Center for the Community Bridge Building Program for the public purpose of providing social support and educational services to senior citizens and disabled residents residing in the City of Cleveland through Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$95,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 752-06.

By Council Member Turner.

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with the William E. Sanders Family Life Center, Inc., and the Harvard Community Services Center serving as the fiscal agent for the Neighborhood Community Social Support 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 or amends contracts with the William E. Sanders Family Life Center, Inc., and the Harvard Community Services Center serving as the fiscal agent for the Neighbor-

hood Community Social Support Program for the public purpose of providing food and clothing to needy families residing in the City of Cleveland through Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 757-06.

By Council Member Kelley.

An emergency ordinance authorizing the Director of Building and Housing to secure bids for the demolition and remediation of the Memphis School through the use of Ward 16 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 Building and Housing to secure bids for the demolition and remediation of the Memphis School located at 4103 Memphis Ave., Cleveland, Ohio 44109 for the public purpose of implementing a neighborhood development project for the residents in the City of Cleveland through the use of Ward 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$150,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 760-06.

By Council Member Britt.

An emergency ordinance consenting and approving the issuance of a permit for the 2nd Annual Cleveland Clinic Nurses Fun Run, May 2, 2006, sponsored by Hermes Sports & Events.

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 2nd Annual Cleveland Clinic Nurses Fun Run, sponsored by Hermes Sports & Events, on May 6, 2006, with the run beginning at the Crile Building at East 100th; East 100th to Cedar; East on Cedar to East 105th; north on East 105th to East 88th to turn around; return same route to finish, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 761-06.

By Council Member Britt.

An emergency ordinance consenting and approving the issuance of a permit for The World Congress of Endourology Run, August 19, 2006, sponsored by Hermes Sports & Events.

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 World Congress of Endourology Run, August 19, 2006, sponsored by Hermes Sports & Events, on August 19, 2006; no roads will be completely closed; traffic will be maintained as the runners pass each point, traffic will be reopened; the run begins at Carnegie

& East 100th; south to Cedar; west to East 105th, north to Ansel Road; turn around and repeat, finishing at Carnegie and East 100th, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 762-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the American Cancer Society Walk, on May 20, 2006, sponsored by the American Cancer Society.

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 American Cancer Society Walk, sponsored by the American Cancer Society on May 20, 2006, starting at East 6th to Huron; Huron cross Superior to West 9th; West 9th to St. Clair; St. Clair to West 3rd; West 3rd to Erieside; Erieside to East 9th; East 9th to Eagle; Eagle to Gateway Plaza to finish, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 763-06.

By Council Member Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch one (1) banner at Ford Drive, for the period from May 12, 2006 to May 22, 2006, inclusive, publicizing the Hessler Street Fair.

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 Hessler Neighborhood Association to install, maintain and remove one banner at Ford Drive, for a period from May 12, 2006 to May 22, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 764-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Westside Charity Foot Race, on June 10, 2006, sponsored by Hermes Sports.

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 Westside Charity Foot Race, sponsored by Hermes Sports on June 10, 2006, starting at WSCC on Lorain; Lorain to Fulton Road; Fulton to Franklin Blvd.; Franklin Blvd. to West 65th; turn around, Franklin Blvd. to West 38th; West 38th to Lorain; Lorain to WSCC — finish, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 765-06.

By Council Member Pierce Scott.

An emergency ordinance consenting and approving the issuance of a permit for the 19th Annual Michael R. White Miler Fun Run, on May 25, 2006, (raindate: May 26, 2006) sponsored by Michael R. White Elementary 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 19th Annual Michael R. White Fun Run, sponsored by Michael R. White Elementary School on May 25, 2006 (raindate: May 26, 2006), beginning at the school, 1000 East 92nd St., west on Parkgate Road to East Boulevard to Parkside Road, north on Parkside Road to Parkgate Road, east on Parkgate Road and finish at the school, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 766-06.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Olive Missionary Baptist Church to stretch banners on the northwest corner of East 134th & Kinsman and the north side of Union of Murtis Taylor's driveway to an adjacent pole to the south side of Union, for the period from May 25, 2006 to June 17, 2006, inclusive, publicizing the church's 6th Annual Juneteenth Celebration.

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 Mt. Haven Missionary Baptist Church to install, maintain and remove banners on the northwest corner of East 134th & Kinsman and the north side of Union of Murtis Taylor's driveway to an adjacent pole to the south side of Union, for the period from May 25, 2006 to June 17, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 749-06.

By Council Members Cleveland and Zone.

An emergency resolution proclaiming April 26, 2006 as Cleveland Community Voice Mail Day and acknowledging the Cleveland Community Voice Mail staff that help provide a vital service to the homeless in Cleveland.

Whereas, Cleveland's homeless population surpasses 25,000 people over the course of a year, with over 4,000 people homeless every night and 2,000 living in shelters; and

Whereas, Cleveland's homeless population needs access to safe, affordable, decent housing and jobs that pay a living wage; and

Whereas, the Cleveland Community Voice Mail program provides a telephone number and message service to those who are homeless and those with very low incomes in Cleveland, allowing those struggling to find housing to receive messages from potential landlords, employers and social service providers; and

Whereas, Cleveland Community Voice Mail has a 70% success rate in linking people to employers, landlords and social service providers; and

Whereas, Cleveland Community Voice Mail has been in operation for the past 6 years and has served over 17,000 people by providing them safe, reliable access to messages; and

Whereas, the Cleveland Community Voice Mail service has expanded to Lorain County; currently over 60 agencies distribute Voice Mail boxes in Cuyahoga and Lorain counties; and

Whereas, Cleveland Community Voice Mail won the Golden Phone Award in 2005 as the best voice mail system out of 37 voice mail programs in the United States; and

Whereas, Cleveland Community Voice Mail has worked to provide free toll free telephone numbers for the victims of Hurricanes Katrina and Rita so they could keep contact with relatives scattered across the country; 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 proclaims April 26, 2006 as Cleveland Community Voice Mail Day and acknowledges the Cleveland Community Voice Mail staff that help provide a vital service to the homeless in Cleveland.

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

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

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

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

Res. No. 753-06.

By Council Member Cleveland.

An emergency resolution objecting to a New C1 Liquor Permit at 7002 Cedar Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Cedar 70, Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1351124; 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 Cedar 70, Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1351124; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two

copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

Res. No. 754-06.

By Council Member Coats.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 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 trans-

fer 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.

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

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

Res. No. 755-06.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a D1, D3, D3A and D6 Liquor Permit at 2572 Scranton Road, 1st and 2nd floors, and repealing Resolution No. 1327-05, objecting to said renewal.

Whereas, this Council objected to a D1, D3, D3A and D6 Liquor Permit to 2572 Scranton Road, 1st and 2nd floors, by Resolution No. 1327-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a D1, D3, D3A and D6 Liquor Permit to Liebatons, LLC, DBA Starkweather South Side, 2572 Scranton Road, 1st and 2nd floors, Cleveland, Ohio 44113, Permanent Number 5191268 be and the same is hereby withdrawn and Resolution No. 1327-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 756-06.

By Council Members Westbrook, Britt, Cleveland, Pierce Scott, Polensek, Kelley, Brady, White, Brancatelli, Reed, Lewis, Cimperman, Sweeney, Santiago, Zone, Turner and Cummins.

An emergency resolution urging the Ohio Department of Development to develop criteria for the Ohio Jobs Ready Sites Program that are fair and enable urban communities to apply for and receive funding.

Whereas, the Ohio Department of Development (ODOD) is developing criteria and rules by which communities in Ohio may apply for and receive funding under the Ohio Jobs Ready Sites program; and

Whereas, this Council understands that the State is considering a rule that would create a minimum acreage requirement, limiting the eligible acreage to at least 150 acres; and

Whereas, such a limitation would significantly limit, if not eliminate, the ability of urban communities to apply for the funds available under the Ohio Jobs Ready Sites program; and

Whereas, the Ohio Jobs Ready Sites program was made possible by passage of State Issue 1, passed overwhelmingly by voters in urban areas of the state, including Cuyahoga County; and the City of Cleveland, the same areas that will be ineligible to apply for and receive funding under this program, should the burdensome minimum acreage requirement be made a criteria; and

Whereas, a minimum acreage requirement such as the one described above is inconsistent with the legislative intent of the bill creating the Ohio Jobs Ready Sites program; and

Whereas, the ODOD should also consider making the amount and nature of eligible local matching funds through the Jobs Ready Sites program less restrictive for smaller urban areas; and

Whereas, the ODOD should also consider the proximity to existing infrastructure an asset in the site certification process; 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 urges the Ohio Department of Development to develop criteria for the Ohio Jobs Ready Sites Program that are fair and enable urban communities to apply for and receive funding.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to Lt. Governor Bruce Johnson and Fran Migliorino in the Office of Governor Bob Taft, and to the members of the Ohio House and Senate representing the city of 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 758-06.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road, Mezzanine and Patio.

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 Kaos in the Flats, Inc., DBA Kaos, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 4462671 to Lucic Enterprises, Inc., DBA Lucic's, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 5337947; 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 Kaos in the Flats, Inc., DBA Kaos, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 4462671 to Lucic Enterprises, Inc., DBA Lucic's, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 5337947; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 759-06.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 6524 St. Clair Avenue, 1st floor, basement and patio.

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 John's Tavern, Inc., DBA John's Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 4298461 to ARA Enterprise, Inc., DBA TKS Tavern, 1st floor and basement and patio, 6524 St. Clair Avenue 44103, Permanent Number 0251410; 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 John's Tavern, Inc., DBA John's Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 4298461 to ARA Enterprise, Inc., DBA TKS Tavern, 1st floor and basement and patio, 6524 St. Clair Avenue 44103, Permanent Number 0251410; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 579-06.

By Council Member Sweeney.

An emergency ordinance authorizing the Director of Economic Development to enter into a development agreement with the Cleveland-Cuyahoga County Port Authority and Flats East Development LLC., for construction and financing of residential units and related commercial improvements.

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

1. In Section 2, line 2, strike "579-06-A" and insert "579-06-B".

Amendment agreed to.

Pursuant to Rule 19 of the Rules of Council, Council Member Brady elected to recuse herself from the vote regarding Ordinance No. 579-06. Council Member Brady further requested that the City Record reflect her recusal.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 583-06.

By Council Member Sweeney.

An emergency ordinance to amend Section 1 of Ordinance No. 2831-86, passed February 9, 1987, as amended by various ordinances, relating to establishing a Community Reinvestment Area in the downtown area.

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

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

Ord. No. 655-06.

By Council Member Cimperman.

An emergency ordinance authorizing the City to pay a portion of the costs of various utility and infrastructure improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05.

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

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

Ord. No. 656-06.

By Council Member Cimperman.

An emergency ordinance authorizing the City to pay costs of public improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05, passed October 17, 2005.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Council President Sweeney excused Council Clerk Emily Lipovan from the meeting. The Council President instructed Sandra Franklin, First Assistant Clerk to proceed with the meeting.

MOTION

By Council Member Kelley, seconded by Council Member Santiago and unanimously carried that the absence of Council Members Kevin

Conwell and Michael A. Dolan, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:45 p.m. to meet Monday, May 1, 2006 at 7:00 p.m. in the Council Chambers.



First Assistant Clerk

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 19, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 19, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Directors Triozzi, Dumas, Interim Directors Ciaccia, Mok, Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Acting Director Schmotzer, Directors Fumich and Guzman.

Absent: Interim Director Rybka. 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. 143-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of W.A. Chester, LLC, for an estimated quantity of maintenance and repair of pipe-type cable, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years beginning with the date of execution of a contract, received on March 22, 2006, under the authority of Ordinance No. 1014-05, passed July 13, 2005, which on the basis of the estimated quantity would amount to \$373,772.55 (Net, 30 Days), is approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 157837 which shall be certified against the contract in the sum of \$90,000.00.

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: Mayor Jackson, Directors Triozzi, Dumas, Interim Directors Ciaccia, Mok, Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Acting Director Schmotzer, Directors Fumich and Guzman.

Nays: None.

Absent: Interim Director Rybka.

Resolution No. 144-06.

By Interim Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Kenmore Construction Company, Inc., for the public improvement of constructing the Deicing Disposal Facility portion of the Centralized Deicing Facility Common Use Pad (also known as Phase III), at Cleveland Hopkins International Airport, base bid items plus Alternate 5 (12% contingency), for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on February 24, 2006, under the authority of Ordinance No. 465-05, passed May 9, 2005, upon a unit basis for the improvement, in the aggregate amount of \$2,765,638.40, is affirmed and approved as the lowest responsible bid, and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Kenmore Construction Company, Inc. is approved:

<u>Subcontractors</u>	<u>Dollar Amount</u>
<u>DBE/MBE/FBE/NON%</u>	
Resource International	
1.12% DBE/FBE	\$ 31,000.00
Mohawk Rebar	
1.59% MBE	\$ 44,000.00
M & R Enterprises	
13.74% MBE	\$ 380,000.00
Novatny Electric	
3.62% NON D/F/MBE	\$ 100,000.00
McTech Corp.	
1.45% DBE	\$ 40,000.00
Gateway Tank	
33.11% NON D/F/MBE	\$1,054,000.00

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Interim Directors Ciaccia, Mok, Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Acting Director Schmotzer, Directors Fumich and Guzman.

Nays: None.

Absent: Interim Director Rybka.

Resolution No. 145-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of United Rentals (North America), Inc. for an estimated quantity of welders and aerial boom

lifts, (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 January 12, 2006, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$112,775.00 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161641 which shall be certified against the contract in the sum of \$112,775.00.

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

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Interim Directors Ciaccia, Mok, Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Acting Director Schmotzer, Directors Fumich and Guzman.

Nays: None.

Absent: Interim Director Rybka.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 8, 2006

9:30 A.M.

Calendar No. 06-61: 3249 East 143rd Street (Ward 4)

Rashiqa Abukhalil, owner, appeals to change the use of an existing nonconforming dwelling units and store building to the use as a store with elimination of the three dwelling units, situated on a 40' x 133' parcel located in a Two-Family District on the east side of East 143rd Street at 3249 East 143rd Street; the proposed change being a substitution of a nonconforming use and requires the approval of the Board of Zoning Appeals as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 06-62: 2517 Jay Avenue (Ward 13)

Gormark Developers, Inc., owner, and Matt Solomon, agent, appeal to construct an addition and change the use from a hotel to apartments and townhomes, proposed for an existing three-story masonry building situated on a 74' x 108' lot located in a General Retail Business District on the southwest corner of Jay Avenue and West 26th Street at 2517 Jay Avenue; contrary to Section 355.04 of the Area Regulations for residence buildings in all use districts, 10,918 s/f is proposed instead of one-half the lot size area or 5,993 s/f; and contrary to Section 357.04 in the Requirements for Yards and Courts, a front yard depth of 6' is proposed where 16' is required; and there is no rear yard where a 30' depth is required, based upon one-half the height of the main building and as stated in Section 357.08(b)(2) of the Codified Ordinances.

Calendar No. 06-63: 801 College Avenue (Ward 13)

John Krohe, owner, appeals to erect an 8' x 17' frame deck to the front of an existing single family residence situated on a 38' x 78' corner parcel located in a Two-Family District on the southwest corner of College Avenue and Thurman Street at 801 College Avenue; contrary to Section 357.13(b)(4), an 8' projection is proposed and not more than 6' is allowed and may not aggregate a vertical area in any story more than 20% of the area of the facade in that story; and the Board of Zoning Appeals shall have no power to authorize as a variance the location of a structure nearer the street line than a required setback building line, unless the depth or width of the lot on which the structure is to be erected is sufficiently less than the depth or width of other lots in the same block as to create a hardship not shared by other lots, or unless there exists a building extending beyond the required setback on the same side in the same block within 150' from either side lot line of the lot in question, as stated in Section 329.04(c)(1) of the Codified Ordinances.

Calendar No. 06-64: 16210 Lorain Avenue (Ward 21)

The West Park Community School, owner, and Constellation Community School c/o Gerald Preseren, agent, appeal to construct a two-story addition adjacent to an existing three-story masonry school building and to place temporary modular classrooms on an irregular shaped acreage parcel located in split zoning between a General Retail Business District and a One-Family District on the north side of Lorain Avenue at 16120 Lorain Avenue; subject to the limitations of Section 337.02(f)(3)(a), the proposed school building and uses require the Board of Zoning Appeals approval if located less than 30' from a residential district and a public or private school building and uses are permitted in a One Family District only if approved by the Board of Zoning Appeals as stated in Section 337.02(f) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 24, 2006

At the meeting of the Board of Zoning Appeals on Monday, April 24, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-55: 4261 Fulton Parkway

Downing Memphis LLC appealed to erect an addition to an existing nonconforming use on acreage located in split zoning for Local Retail Business and Two-Family Districts.

Calendar No. 06-56: 17102 Puritas Avenue

Terry Hengoed appealed to erect a 24' x 24' one-story frame accessory garage in an A1 One-Family District; subject to condition.

Calendar No. 06-22: 1082 East 105th Street

Maher Ali appealed to add a gas station to an existing retail center in a Local Retail Business District; with conditions.

The following appeal was **Withdrawn:**

Calendar No. 06-53: 2925 Jay Avenue Jay & 30 Project, LLC appealed to erect a two-story frame, two family dwelling on a 40' x 107' corner lot in a Two-Family District.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 06-57: 9422 Buckeye Road postponed to May 15, 2006.

In Executive Session on April 24, 2006, the following appeals heard by the Board on April 17, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 06-52: 10518 Churchill Avenue

Rysar Properties appealed to erect a 26' x 32' two-story single family residence in a Residence Office District.

Calendar No. 06-54: 11317 Union Avenue

Jeremiah Baptist Church and Deacon Phillips appealed to expand a church parking lot in a General Retail Business District; subject to condition.

The following appeal was **Denied:**

Calendar No. 06-38: 5712 Harvard Avenue

Kimberly McDermott, owner, and Barbara Bradford, tenant, appealed to expand a two family to include a Type A Day Care in a General Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of April 19, 2006

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-62-02.

RE: Appeal of Jacobs Investment Management, Owner of the Property located on the premises known as 2000 Sycamore Street from an ADJUDICATION ORDER, of the Director of the Department of Building and Housing, dated April 17, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to extend the variance for five (5) years from today, with the provision that the Appellant resubmit this documentation in a similar fashion at the end of those times for a continuation. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-18-06.

RE: Appeal of Ian Abrams, Owner of the Property located on the premises known as 3018 East 55th

Street from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated February 17, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time and to REMAND the property at 3018 East 55th Street to the Department of Building and Housing for further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-21-06.

RE: Appeal of Neil T. Clough, Owner of the Two Story Wood Frame/Siding/ Masonry Veneer Residential Property located on the premises known as 6711 Colgate Avenue from a FORTHWITH FIRE CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated February 23, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a thirty (30) day "Extension of Time" in which to obtain permits and abate the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-27-06.

RE: Appeal of Trust Properties, LLC C/O Michael Boukzam, Owner of the Property located on the premises known as 3044 West 104th Street from a LIMITATION ON THE PERMIT of the Director of the Department of Building and Housing, dated March 24, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-27-06 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-33-06.

RE: Appeal of AHNE, LLC, Owner of the Property located on the premises known as 10548 St. Clair Avenue from SUPPLEMENTARY CONDITIONS, of the Director of the Department of Building and Housing, dated February 22, 22006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled for May 3, 2006.

Docket A-35-06.

RE: Appeal of Playhouse Square Investors Ltd., Owner of the Semi-Industry Property located on the premises known as 1375 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 7, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance requirements with no openings, noting that there are two and one-half fire separation shutters in series at the wall in question. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-16-06 — United Properties C/O ZMDS, Inc.
- A-20-06—Krause Project Partners.
- A-22-06—M. Weingold & Company.
- A-23-06—M. Weingold & Company.
- A-24-06—Norfolk and Western R.R.
- A-25-06—M.W. Acquisitions.
- A-26-06—M.W. Acquisitions.
- A-28-06—Carol T. Sakoumagus.
- A-29-06—Harry Rock & Company.
- A-30-06—Ryan P. Wach.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

April 5, 2006

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, MAY 3, 2006

Painting Streetside Elements, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1634-05, passed by the Council of the City of Cleveland, October 24, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 27, 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.

April 19, 2006 and April 26, 2006

THURSDAY, MAY 4, 2006

On-Line Check Generation Fold-n-Seal System, Including Installation and Maintenance, for the Division of Treasury, Department of Finance, as authorized by Ordinance No. pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 27, 2006 AT 10:00 A.M., DIVISION OF PUR-

CHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 19, 2006 and April 26, 2006

WEDNESDAY, MAY 10, 2006

Purchase of Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 194-06, passed by the Council of the City of Cleveland, March 27, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 2, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Rental of Heavy-Duty Equipment, Snow Removal Equipment and Equipment Operators, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 252-06, passed by the Council of the City of Cleveland, March 13, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 28, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Deicing Chemicals, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 248-06, passed by the Council of the City of Cleveland, March 13, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 28, 2006 AT 11:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

April 19, 2006 and April 26, 2006

THURSDAY, MAY 11, 2006

Pipe Repair Couplings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 27, 2006 AT 10:00 A.M., DIVISION OF WATER — DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, METER CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

April 19, 2006 and April 26, 2006

April 19, 2006 and April 26, 2006

FRIDAY, MAY 12, 2006

Water Meters Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 28, 2006 AT 10:00

A.M., DIVISION OF WATER — DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, METER CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

April 19, 2006 and April 26, 2006

FRIDAY, MAY 26, 2006

Quicklime, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MAY 12, 2006 AT 1:00 P.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 19, 2006 and April 26, 2006

FRIDAY, MAY 12, 2006

Cushman Equipment Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 816-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 8, 2006 AT 11:00 A.M., DIVISION OF RECREATION CONFERENCE, ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Toro Mower Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 816-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 8, 2006 AT 11:30 A.M., DIVISION OF RECREATION CONFERENCE, ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Jacobsen Mower Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 816-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 8, 2006 AT 12:00 P.M., DIVISION OF RECREATION CONFERENCE, ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 26, 2006 and May 3, 2006

THURSDAY, MAY 18, 2006

Pipe Repair Clamps, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 4, 2006 AT 10:00 A.M., DIVISION OF WATER — DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE

REPAIR CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

Purchase and Rental of Various Types of Safety Equipment for Compliance with OSHA Regulations, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 1028-05, passed by the Council of the City of Cleveland, July 13, 2005.
THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, MAY 4, 2006 AT 2:00 P.M., DIVISION OF WATER, 1201 LAKE-SIDE AVENUE, 1ST FLOOR AUDITORIUM, CLEVELAND, OHIO 44114.
THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

April 26, 2006 and May 3, 2006

FRIDAY, MAY 19, 2006

Tree Lawn Repair, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 1024-05, passed by the Council of the City of Cleveland, September 19, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 4, 2006 AT 10:00 A.M., DIVISION OF WATER — DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, S.A.M. CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

April 26, 2006 and May 3, 2006

WEDNESDAY, MAY 24, 2006

Bunker Gear Suits, Including Proximity Pants, Proximity Coats, Hoods, Helmets, Suspensives and Boots, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 247-06, passed by the Council of the City of Cleveland, March 17, 2006.
THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MAY 12, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

April 26, 2006 and May 3, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

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 Resolu-

tion 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 19, 2006.

Effective April 21, 2006.

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 19, 2006.

Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 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 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 19, 2006.
Effective April 21, 2006.

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**

	<u>Euclid MMUD-1</u>	<u>Chester MMUD-2</u>	<u>Carnegie MMUD-3</u>	<u>Chester West MMUD-4</u>
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 known as PPN 118-06-025);

Thence Northerly along said Easterly line to its intersection with the Southerly line 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 19, 2006.

Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

Ord. No. 495-06.
By Council Members Zone and Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain, repair, and replace substation equipment, including but not limited to batteries, switchgear, transformers and circuit breakers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items

as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 157804)

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

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

Passed April 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 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 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 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 19, 2006.
Effective April 21, 2006.

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 19, 2006.

Effective April 21, 2006.

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 19, 2006.

Effective April 21, 2006.

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 con-

flict 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 19, 2006.

Effective April 21, 2006.

COUNCIL COMMITTEE MEETINGS

Monday, April 24, 2006

1:00 p.m.

Joint — City Planning, Community and Economic Development, Public Utilities, Public Service and Finance Committees: Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Lewis, Zone, Reed. *Authorized Absence:* Dolan, Conwell.

Present in CDED: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Coats, Westbrook, Brady, Zone, Lewis.

Present in Utilities: Zone, Chair; Reed, Vice Chair; Cleveland, Polensek, Cummins, Kelley, Westbrook, Santiago. *Authorized Absence:* Dolan.

Present in Service: Brady, Chair; Turner, Vice Chair; Cleveland, Polensek, Cummins, White, Santiago, Reed. *Authorized Absence:* Johnson.

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

2:00 p.m.

Finance Committee: CANCELLED.

Tuesday, April 25, 2006

1:30 p.m.

Employment, Affirmative Action and Training Committee: Present: Lewis, Chair; Santiago, Vice Chair; Turner, Coats. *Authorized Absence:* Brancatelli, Johnson, Conwell.

Wednesday, April 26, 2006

10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Brady, Vice Chair; Britt, Polensek, Coats, Kelley, Cummins, Turner, Santiago.

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