

The City Record

Official Publication of the Council of the City of Cleveland



January the Twenty-Fifth, 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.....	1138 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 Governmental Affairs
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Michael A. House, Executive Assistant to the Mayor, Press Secretary
 Edwin Nunez, Interim Director, Office of Equal Opportunity

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

DEPT. OF FINANCE – Sharon Dumas, Interim Director, Room 104;

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

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
 Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Interim Director, Room 113

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

DEPT. OF PUBLIC HEALTH – Matt Carroll, 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, Interim 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 – Antoinette Thompson, Interim Director

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

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

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

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Sue Rudman, Interim Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Gregory G. Huth, Interim Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Interim Director

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

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

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: Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

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

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

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

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

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

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

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

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud, Doris Honsa, Richard Lenard.

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

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

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director _____; Council President Martin J. Sweeney; Councilman Dona Brady; Councilman _____.

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Baulknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Yorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair; Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, _____, N. Kurt Wiebusch, Council Member _____, Robert Jackimowicz; Robert Keiser, Secretary.

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 25, 2006

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CITY COUNCIL

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The City Record

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Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

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

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

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

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

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

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:

Personnel and Operations Committee:

Mayor's Appointment Committee:

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 23, 2006

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff; Darnell Brown, Chief Operation Officer; Valarie J. McCall, Chief of Government Affairs; Maureen Harper, Chief of Communications; Michael A. House, Press Secretary, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Thompson, Rush, Rybka, Huth, Redman, Taylor, Directors Fumich Daniely and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Robert V. Aitken, of True Light Baptist Church, located at 1799 East 55th Street in Ward 7. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 135-06.

From the Department of Economic Development — CBD Job Creation Incentive Grant Agreement with Chartwell Group, LLC. Received.

File No. 136-06.

From the Department of Law — certified copy of Board of Control Resolution No. 20-06. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 137-06.

Re: Transfer of Ownership Application — ZT Gabriels Inc., d.b.a. Gabriels Shell, 2249 West 117th Street. (Ward 19). Received.

File No. 138-06.

Re: Transfer of Ownership Application — 1883538 — D. & A. Restaurants, Inc. d.b.a. Heck's Cafe, 2927 Bridge Avenue. (Ward 13). Received.

File No. 139-06.

Re: Transfer of Ownership and Location Application — 8419000 — Speedy Gas Co., Inc., d.b.a. Speedy Gas, 6207 Broadway Avenue. (Ward 12). Received.

OATH OF OFFICE

File No. 140-06.

Ken Silliman — oath of office — Secretary to the Mayor, Chief of Staff. Received

File No. 141-06.

Anthony Jordon — oath of office — Interim Chief Assistant Prosecutor. Received.

File No. 142-06.

Michael DeAloia — oath of office — Interim Secretary to the Director of Economic Development. Received.

File No. 143-06.

Gregory G. Huth — oath of office — Interim Director of Economic Development. Received.

File No. 144-06.

Edward W. Rybka — oath of office — Interim Director of Building and Housing. Received.

File No. 145-06.
James Gentile — oath of office — Interim Secretary to the Director of Finance. Received.

PLAT

File No. 146-06.
Villas of Woodhaven Phase 4 — Subdivision Plat. (Ward 6). Received.

CONDOLENCE RESOLUTIONS

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

- Res. No. 147-06** — Carl T. Brancatelli.
- Res. No. 148-06** — Michael V. Kelley.
- Res. No. 149-06** — Barbara A. Storch.
- Res. No. 150-06**—Elijah Thomas.
- Res. No. 151-06** — Mary Jane Segrest Summers.
- Res. No. 152-06** — Shirley Ann Deloney.
- Res. No. 153-06**—Cheryl Phillips.
- Res. No. 154-06**—Pastor Frank J. Mickens, Jr.
- Res. No. 155-06** — Rev. Fr. Victor Tomac.

CONGRATULATION RESOLUTION

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

Res. No. 156-06—Miklos and Maria Kossanyi.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 108-06.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept funds from the United States of America to reimburse Cleveland for costs incurred by the various departments in City government as a result of the Federal notice of a major disaster for Hurricane Katrina.

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 apply for and accept funds from the United

States of America, acting through the Federal Emergency Management Agency, to reimburse Cleveland for costs incurred by the various departments in City government as a result of the Federal notice of a major disaster for Hurricane Katrina (FEMA-3250-EM). The Director of Finance is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance, and the funds are appropriated for the purpose of reimbursing the various divisions of the Department of Finance.

Section 2. That the Director of Finance is authorized to enter into any agreements and execute any documents necessary to implement this ordinance.

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. 109-06.

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

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

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 the following alterations and modifications in Contract No. 63697 with Fabrizi Trucking & Paving Inc. for the West 28th Street/Chatham area sewer project, for the Department of Public Utilities:

**West 28th/Chatham Area Sewer Project
City Contract No. 63697 A
Subsidiary Agreement — Schedule of Items**

Balance in Contract	\$ 10,588.10	
1. Asphalt Restoration		\$ 19,845.00
Total		\$ 19,845.00
Balance to be paid	\$ 19,845.00	
Less Amount Remaining in Contract	<u>- 10,588.10</u>	
TOTAL SUBSIDIARY ADDITIONS	\$ 9,256.90	
Original Contract Amount	\$ 196,823.00	
Total Subsidiary Additions	<u>+ 9,256.90</u>	
REVISED CONTRACT AMOUNT	\$ 206,079.90	

which alteration has been recommended in writing by the Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Utilities and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$9,256.90, to be paid from Fund No. 54 SF 001.

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

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

Ord. No. 113-06.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the Family Caregiver Support Program; and authorizing the Director of Community Development to enter into contracts 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 Aging is authorized to apply for and accept a grant in the approximate amount of \$25,000, and any other funds that may become available during the grant term from the Western Reserve Area Agency on Aging to conduct the Family Caregiver Support Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 113-06-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts necessary to implement the program as described in the file, payable from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

Ord. No. 114-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th and Hough Avenue to Eric D. Payne.

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

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

Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-001, as more fully described below, to Eric D. Payne.

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

P. P. No. 118-09-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in George M. Spangler's Subdivision of part of Original One Hundred Acre Lot Nos. 339 and 342, as shown by the recorded plat in Volume 25 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the point of intersection of the Westerly line of East 79th Street (formerly East Madison Avenue), with the Southerly line of Hough Avenue, N.E.; (formerly Hough Avenue); thence Southerly along said Westerly line of East 79th Street, 84 feet; thence Westerly on a line parallel to said Southerly line of Hough Avenue, N.E. 130 feet; thence Northerly on a line parallel to said Westerly line of East 79th Street, 84 feet to the Southerly line of Hough Avenue, N.E.; thence Easterly along said Southerly line of Hough Avenue, N.E., 130 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Together with the benefit of a certain easement reserved in a deed from Arthur M. Gordon and wife to Parker Shackelton, dated November 6, 1913, and recorded in Volume 1531, Page 119, of the Records of Deeds of Cuyahoga County, Ohio; but subject to easement for a driveway over the Southerly 14 feet of the premises herein described, reserved in the deed from Arthur M. Gordon to The Amdon Realty and Investment Company, dated March 26, 1915, and recorded in Volume 1656, Page 415 of Cuyahoga County Records.

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

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

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

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

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

Ord. No. 115-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th Street to Juahmea Charnuse Harris.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-05-082, 118-05-004 and 118-05-005, as more fully described below, to Juahmea Charnuse Harris.

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

P. P. No. 118-05-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in the Stevens and Cass Subdivision of a part of Johnson Bates and Stones Allotment of a part of Original One Hundred Acre Lot No. 338 as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and being 35 feet front on the Westerly side of

Kirk Street (now known as East 68th Street) and is 70 feet deep, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 118-05-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in The Stevens and Cass Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and being 34.35 feet front on the Southerly side of Hough Avenue, N.E. and extending back of equal width 90 feet deep along the Westerly line of East 68th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 118-05-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in the Stevens and Cass Subdivision of part of Original One Hundred Acre Lot No. 388, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and being 34.52 feet front on the Southerly side of Hough Avenue, N.E., 90 feet deep on the Easterly line, 90 feet deep on the Westerly line and 35.33 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

from and after the earliest period allowed by law.

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

Ord. No. 116-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Angela Bennett.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 104-18-072 and 104-18-073, as more fully described below, to Angela Bennett.

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

P. P. No. 104-18-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 in Luther Moses Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Whittier Avenue, N.E., (formerly Sixth Street) and extending back between parallel lines 180 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 104-18-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in Luther Moses Subdivision of part of Original 100 Acre Lot No. 340, as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and being 40 feet front on the Northerly side of Whittier Avenue, Formerly Sixth Avenue, and extending back of equal width 180 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 117-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Evergreen Homes, LLC.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 104-18-070 as more fully described below, to Evergreen Homes, LLC.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 104-18-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 38 feet of Sublot No. 4, the Easterly 50 feet of Sublot No. 1 and the Easterly 50 feet of the Northerly 52.27 feet of Sublot No. 2 in the Sweesy et.al. Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 88 feet on the Southerly side of Whittier Avenue, N.E., (formerly Sixth Avenue), and extending back of equal width 142.73 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-19-085 as more fully described below to Evergreen Homes, LLC.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 104-19-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 32 and part of Sublot No. 30 in Sweesy et al Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Southerly line of Whittier Avenue, N.E., at the Northeast corner of said Sublot No. 32; thence Southerly along the Easterly line of said Sublot No. 32, 142.69 feet to the Southeast corner thereof; thence Westerly along the Southerly line of said Sublot No. 32 and said Sublot No. 30, 53 feet to a point, thence Northerly parallel with the Easterly line of said Sublot No. 30, 41.50 feet to a point; thence Northeast in a direct line to a point in the Easterly line of said Sublot No. 30 distant Northerly, measured along said Easterly line, 80 feet from the Southeast corner of said Sublot No. 30; thence Northerly along the Easterly line of said Sublot No. 30, 62.69 feet to the Southerly line of Whittier Avenue, N.E.; thence Easterly along the Southerly line of Whittier Avenue, N.E., 40 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-19-087 as more fully described below, to Evergreen Homes, LLC.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 104-19-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in William C. Sweesy and Others Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Whittier Avenue, N.E., (formerly known as Sixth Avenue) and extending back of equal width 142.68 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-19-091 as more fully described, to Evergreen Homes, LLC.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 104-19-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in Lena B. Sweesy's and other's Re-Allotment of R.L. Willard's Allotment and portions of Luther Moses' and M.C. Water's Allotment on Original One Hundred Acre Lot No. 340, East Cleveland Township and now in said City of Cleveland. Said Sublot No. 44 has a frontage of 40 feet on the Southerly side of Whittier Avenue and extending back between parallel lines 142.67 feet, as shown by plat of said Re-Allotment recorded in Volume 12 of Maps, Page 40 of Cuyahoga County Records,

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-19-109 as more fully described below, to Evergreen Homes, LLC.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 104-19-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in Luther Moses Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 7, Page 13 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Whittier Avenue, N.E., and extending back of equal width 180 feet, as

appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 11. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 12. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 13. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 118-06.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Rondia J. Thompson.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 108-09-034 and 108-09-035, as more fully described below, to Rondia J. Thompson.

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

P. P. No. 108-09-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 4 in W. H. Van Tine Jr. Trustee's Allotment of part of Original One Hundred Acre Lot Nos. 361 and 369, as shown by the recorded plat in Volume 17 of Maps, Page 29 of Cuyahoga County Records, and being 40 feet front on the Northwesterly side of St. Clair Avenue, N.W., and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 108-09-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 3 and a part of Sublot Nos. 86 and 134, in the W.H. Van Tine, Jr. Trustee's Allotment of part of Original One Hundred Acre Lot Nos. 361 and 369, as shown by the recorded plat in Volume 17 of Maps, Page 29 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northwesterly line of St. Clair Avenue, N.E. (formerly St. Clair Street) at the most Easterly corner of said Sublot No. 3; thence Southwesterly along the Northwesterly line of St. Clair Avenue, N.E. 40 feet to the most Southerly corner of said Sublot No. 3; thence Northwesterly along the Southwesterly line of said Sublot No. 3, 130 feet to the most Northerly corner of Sublot No. 4 in said Allotment; thence Southwesterly along the Northwesterly line of said Sublot No. 4, 40 feet to the most Westerly corner thereof; thence Northwesterly along the Northwesterly prolongation of the Southwesterly line of said Sublot No. 4 to the Southeasterly line of land conveyed to Harris Creech by deed dated October 26, 1897 and recorded in Volume 673, Page 249 of Cuyahoga County Records; thence Northeasterly along the Southeasterly line of land so conveyed to Harris Creech to the Easterly line of said Sublot No. 86; thence Southerly along the Easterly line of said Sublot Nos. 86 and 134 to the Northwesterly line of Sublot No. 3; thence Northeasterly along the Northwesterly line of said Sublot No. 3, to the most Northerly corner thereof; thence Southeasterly along the Northeasterly line of said Sublot No. 3, 130 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 119-06.

By Council Member Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue and East 100th and 101st Streets to Fairfax Renaissance Development Corporation.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ord-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-003 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 121-18-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 2 and 3 in Jane Sayles and others Subdivision of part of Original One Hundred Acre Lot No. 409 as shown by the recorded plat of said Subdivision in Volume 14 of Maps, Page 5 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Southerly line of Cedar Avenue, S.E. 77 feet Easterly from the intersection of the Southerly line of Cedar Avenue, S.E., with the Easterly line of East 100th Street (formerly Streater Avenue); thence Southerly and parallel with the Easterly line of East 100th Street to the Northerly line of a parcel of land conveyed by Henry Cody to Charles H. H. Strohm by deed recorded in Volume 454, Page 49 of Cuyahoga County Records; thence Easterly along the Northerly line of said Strom's land to the Northeasterly corner thereof; thence Northerly and parallel with the Easterly line of East 100th Street about 86.45 feet to a point in the Southerly line of Cedar Avenue, S.E., thence Westerly along the Southerly line of Cedar Avenue, S.E. about 38 feet to the place of beginning, be the same more less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-004 as more fully described below to Fairfax Renaissance Development Corporation.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 121-18-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 and all of Sublot No. 4 in Jane Sayle and others' Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Cedar Avenue, S.E., at the Northeasterly corner of said Sublot No. 4; thence Westerly along the Southerly line of Cedar Avenue, S.E., 45.36 feet to the Northeasterly corner of land conveyed to Henry B. Cody by deed dated October 11, 1888, and recorded in Volume 444, Page 331 of Cuyahoga County Records; thence Southerly

along the Easterly line of land so conveyed to Henry B. Cody, about 144.77 feet to the Southerly line of said Sublot No. 3; thence Easterly along the Southerly line of said Sublot No. 3 to the Westerly line of said Sublot No. 4; thence Easterly on a line of parallel with the Southerly line of said Sublot No. 4, 5 feet; thence Southerly on a line parallel with the Westerly line of said Sublot No. 4, 10 feet to the Southerly line of said Sublot No. 4; thence Easterly along the Southerly line of said Sublot No. 4, 35 feet to the Southeast corner of said Sublot No. 4; thence Northerly along the Easterly line of said Sublot No. 4, 151.74 feet to the place of beginning.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-106 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 121-18-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 44 feet of Sublot Nos. 5 and 6 in Jane Sayle's and others Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat of said Subdivision in Volume 14 of Maps, Page 5 of Cuyahoga County Records. Said part of Sublot Nos. 5 and 6 together forming a parcel of land having a frontage of 44 feet on the Westerly side of East 101st Street (formerly Sayle Street) and extending back between parallel lines 80 feet as appears by said plat, and is 44 feet wide in the rear, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-108 as more fully described, to Fairfax Renaissance Development Corporation.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 121-18-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20 feet of Sublot No. 7 and the Northerly 10 feet of Sublot No. 8 in Jane Sayle and Others' Subdivision of part of Original One Hundred Acre Lot No. 409 as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and being 30 feet front on the Westerly side of Sayle Street, now known as East 101st Street, and extending back of equal width 115 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-109 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 121-18-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 8 in Jane Sayle et al. Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 101st Street, (formerly Sayle Street), at a point 5 feet Northerly, (measured along said Westerly line of East 101st Street), from the Southeast corner of said Sublot No. 8; thence Northerly along said Westerly line of East 101st Street, 30 feet; thence Westerly on a line parallel to the Northerly line of said Sublot No. 8, 115 feet to the Westerly line of said Sublot No. 8; thence Southerly along the Westerly line of Sublot No. 8, 30 feet; thence Easterly 115 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-110 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 121-18-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 5 feet from front to rear of Sublot No. 8 and the Northerly 34 feet from front to rear of Sublot No. 9 in Jane Sayle, and others Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat of said Subdivision in Volume 14 of Maps, Page 5 of Cuyahoga County Records. Said parts of Sublot Nos. 8 and 9 together form a parcel of land having a frontage of 39 feet on the Westerly side of East 101st Street (formerly Sayle Street), and extending back between parallel lines 115 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-152 as more fully described below, to Fairfax Renaissance Development Corporation.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 121-18-152

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 75 in Jane Sayles and others Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and being 38 feet front on the Easterly side of East 100th Street, and extending back 125 feet deep of equal width as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 15. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 16. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 17. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 18. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 120-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 83rd Street to Patricia Holt and Gladys Lawrence.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-09-117 and 107-09-211, as more fully described below, to Patricia Holt and Gladys Lawrence.

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

P. P. No. 107-09-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 126 in A.P. Cody's Superior Street

Subdivision of part of Original One Hundred Acre Lot No. 383 as shown by the recorded plat in Volume 26 of Maps, Page 10 of Cuyahoga County Records and being 33 feet front on the Westerly side of East 83rd Street (formerly Fancher Avenue) and extending back between parallel lines 76 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 107-09-211

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as the Northerly part of Sublot No. 127 in A.P. Cody's Superior Street Subdivision of part of Original One Hundred Acre Lot No. 383 as shown by the recorded plat in Volume 26 of Maps, Page 10 of Cuyahoga County Records, and being .45 feet on the Westerly side of Fancher Avenue, now known as East 83rd Street, and extending back of equal width 76 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the

Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 110-06.

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

An emergency ordinance approving the collective bargaining agreement with Fraternal Order of Police, Lodge No. 8 (F.O.P.); and amending Section 48 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

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 That under division (B) of Section 4117.10 of the Revised Code and subject to an interest arbitration award, this Council approves the collective bargaining agreement with Fraternal Order of Police, Lodge No. 8 (F.O.P.), under the terms contained in File No. 110-06-A for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about January 1, 2006, which amount is not part of the member's wage base.

Section 2. That Section 48 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 48. Fraternal Order of Police, Lodge No. 8 (F.O.P.) The annual salaries of persons appointed to the following ranks of the Division of Police shall be fixed by the appointing authority within the limits established in the following schedules:

Rank	Minimum	Maximum
1. Commander of Police	\$88,822.72	\$ 89,322.72
2. Commissioner of Traffic Control.....	\$88,822.72	\$ 89,322.72
3. Captain.....	\$76,502.35	\$ 77,002.35
4. Lieutenant.....	\$65,881.34	\$ 66,381.34
5. Sergeant.....	\$56,725.29	\$ 57,225.29

Section 3. That existing Section 48 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

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

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

Ord. No. 111-06.
By Council Members Lewis and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contracts with Axiom Information Security Services, Inc. for professional services necessary to continue to provide pre-employment background and criminal checks for the Department of Personnel and Human Resources for a period not to exceed five months.

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

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

Section 1. That the Director of Personnel and Human Resources is authorized to enter into one or more contracts with Axiom Information Security Services, Inc. for professional services necessary to continue to administer pre-employment background and criminal records checks; and including but not limited to automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security traces and automated credit checks for the Department of Personnel and Human Resources for a period not to exceed five months, beginning December 1, 2005, for the Department of Personnel and Human Resources. The

contract or contracts shall be paid from Fund No. 01-040201-632000, Request No. 107586.

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

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

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

Ord. No. 112-06.
By Council Members Britt, Lewis and Sweeney (by departmental request).
An emergency ordinance approving the collective bargaining agreement with Ohio Nurses Association; and amending Section 22 of Ordinance No. 384-03, passed March 10, 2003, as amended by various ordinances, relating to compensation for various classifications.

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 division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with Ohio Nurses Association, under the terms contained in File No. 112-06-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about January 1, 2006, which amount is not part of the member's wage base.

Section 2. That Section 22 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 1656-05, passed September 26, 2005, is amended to read as follows:

Section 22. Ohio Nurses Association. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Nurse II	\$20,800.00	\$ 44,901.68
2. Public Health Nurse	\$20,800.00	\$ 44,901.68
3. Public Health Nurse I.....	\$23,146.64	\$ 43,718.64
4. Public Health Nurse II.....	\$35,887.06	\$ 42,222.94
5. Public Health Nurse III.....	\$39,098.75	\$ 46,599.60
6. Public Health Nurse IV	\$28,151.33	\$ 50,854.66
7. Public Health Nurse V	\$30,653.67	\$ 55,907.66
8. Public Health Nurse VI	\$35,658.35	\$ 64,619.87
9. Supervising Public Health Nurse	\$23,647.11	\$ 49,007.97

Section 3. That existing Section 22 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003, and Ordinance No. 1814-04, passed October 4, 2004, and Ordinance No. 1656-05, passed September 26, 2005, is repealed.

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

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

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

Ord. No. 121-06.**By Council Member Cimperman.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Diabetes Association of Greater Cleveland to stretch a banner at Cleveland State University's walkway crossing over East 22nd Street at Euclid Avenue for the period from February 24, 2006 through March 27, 2006, inclusive, announcing the 21st Annual Verizon Wireless Swim for Diabetes.

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 Diabetes Association of Greater Cleveland to install, maintain and remove a banner at Cleveland State University's walkway crossing over East 22nd Street at Euclid Avenue, for the period from February 24, 2006 through March 27, 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. 122-06.**By Council Member Coats.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with EBC's Fery Development Corporation for Senior Citizen Social Support Services and Youth Program through the use of Ward 10 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 EBC's Fery Development Corporation for Senior Citizen Social Support Services and Youth Program for the public purpose of providing social support services to senior citizens and youth that reside in the city of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$36,411 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. 123-06.**By Council Members White, Turner, Reed, Johnson and Britt.**

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with Metropolitan Mediation, Cleveland, Inc. and Union Miles Development Corporation serving as the fiscal agent for the Neighborhood Quality of Life Mediation Program through the use of Ward 2, 1, 3, 4 and 6 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 or amend contracts with Metropolitan Mediation, Cleveland, Inc. and Union Miles Development Corporation serving as the fiscal agent for the Neighborhood Quality of Life Mediation Program for the public purpose of providing mediation services to Cleveland residents in order to improve the quality of life in the city of Cleveland through the use of Wards 2, 1, 3, 4 and 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 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. 133-06.**By Council Member Pierce Scott.**

An emergency ordinance authorizing certain persons to engage in peddling in Ward 8. (Michael Smith).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 8; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 8: Michael Smith, corner of East 105th Street and St. Clair Avenue, north of the bus stop.

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

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

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

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

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

Ord. No. 134-06.**By Council Member White.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Bethany Christian Church to stretch banners at Avon Avenue & Martin Luther King Drive, for the period from January 23, 2006 to February 22, 2006, inclusive, celebrating the church's 50th Anniversary.

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 Bethany Christian Church to install, maintain and remove banners at Avon Avenue & Martin Luther King Drive for the period from January 23, 2006 to February 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.

**FIRST READING EMERGENCY
RESOLUTIONS READ IN FULL
AND ADOPTED**

Res. No. 124-06.

By Council Members Polensek, Sweeney, Westbrook, Cimperman, Pierce Scott, Britt, Brady, Zone, Coats, Turner and Reed.

An emergency resolution urging the Supreme Court of the State of Ohio to investigate the backlog of foreclosure cases in Cuyahoga County Common Pleas Court and to take action to force the Common Pleas Court to better manage its foreclosure case load and hold accountable those that manage the foreclosure cases so that foreclosure cases are closed in a reasonable period of time and properties do not sit vacant and abandoned for years waiting for final rulings by the court.

Whereas, last year, 11,076 new foreclosure cases were filed in Cuyahoga County Common Pleas Court; and

Whereas, almost 40% of its foreclosure cases, or 12,755 foreclosures, have dragged out beyond the Ohio Supreme Court's 12-month standard; and

Whereas, the practice of the Common Pleas Court is to conceal the high number of backlogged foreclosure cases by removing them from the judges' case lists while the cases are before magistrates; and

Whereas, reports filed with the Ohio Supreme Court show only those foreclosure cases returned from the magistrates to the judges for final ruling; and

Whereas, obviously, Cuyahoga County magistrates are overwhelmed by the high volume of foreclosure cases filed each year, coupled with the already backlogged cases from past years; and

Whereas, homeowners and citizens all over the City of Cleveland are negatively affected by the high number of foreclosures cases currently backlogged in the court; and

Whereas, vacant properties often become a breeding ground for crime: a study in Austin Texas found that blocks with vacant building had 3.2 times as many drug calls to police, 1.8 times as many theft calls and twice the number of violent calls as blocks without vacant buildings; and

Whereas, more than 12,000 fires break out in vacant structures each year in the United States resulting in \$73 million in property damage annually, most the result of arson; and

Whereas, vacant and abandoned properties require a disproportionate amount of government maintenance, from securing properties against criminal activity to removal of garbage and rodents to demolition, all at a cost to taxpayers; and

Whereas, vacant properties reduce city tax revenue in three ways: they are often tax delinquent; their low value means they generate little in taxes; and they depress property values across an entire neighborhood; and

Whereas, a 2001 study in Philadelphia found that houses within 150 feet of a vacant or abandoned property experienced a net loss of \$7,627 in value; and

Whereas, the cost of living in a neighborhood with many vacant and abandoned properties makes obtaining homeowner's insurance, mortgages and loans for home improvements more difficult; and

Whereas, vacant properties degrade and devalue the quality of life for remaining residents, isolating and weakening the neighborhood, and increasing the likelihood that property values will continue to decline and further abandonment will set in; and

Whereas, it is incumbent upon the Ohio State Supreme Court to force the Cuyahoga County Common Pleas Court to take control of its foreclosure case load in order to turn around the continuing spiral of neighborhoods with abandoned and vacant properties; 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 Supreme Court of the State of Ohio to investigate the backlog of foreclosure cases in Cuyahoga County Common Pleas Court and to take action to force the Common Pleas Court to better manage its foreclosure case load and hold accountable those that manage the foreclosure cases so that such cases are closed in a reasonable period of time and properties do not sit vacant and abandoned for years waiting for final rulings by the court.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution the Justices of the Supreme Court of the State of Ohio, and the Judges and magistrates of the Cuyahoga County Common Pleas Court.

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. 125-06.**By Council Member Britt.**

An emergency resolution objecting to a New C2 Liquor Permit at 2623 Woodhill Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at AJS Enterprises, Inc., DBA Hill Top Deli, 2623 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 0084375; 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 C2 Liquor Permit at AJS Enterprises, Inc., DBA Hill Top Deli, 2623 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 0084375; 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. 126-06.

By Council Member Polensek.

An emergency resolution objecting to the transfer of Liquor License of a C1 and C2 Liquor Permit to 15518 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C1 and C2 Liquor Permit from Khalil, Inc., DBA Woodworth Market, 14625-27 Woodworth Road and basement, Cleveland, Ohio 44112, Permanent Number 46188550005 to Palsun, Inc., DBA Convenient Express, 15518 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 6665197; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C1 and C2 Liquor Permit from Khalil, Inc., DBA Woodworth Market, 14625-27 Woodworth Road and basement, Cleveland, Ohio 44112, Permanent Number 46188550005 to Palsun, Inc., DBA Convenient Express, 15518 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 6665197, 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. 127-06.

By Council Member Santiago.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 5004 Storer Avenue, and repealing Resolution No. 977-05 objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to

Santiago Sanchez Entertainment Group, LLC, DBA Latin Touch, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent No. 7709514, by Resolution No. 977-05 adopted by the Council on May 16, 2005; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Santiago Sanchez Entertainment Group, LLC, DBA Latin Touch, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent No. 7709514 be and the same is hereby withdrawn and Resolution No. 977-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 128-06.

By Council Member Zone.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 5404 Storer Avenue, 1st floor and basement front, and repealing Resolution No. 1693-05 objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 5404 Storer AM, LLC, DBA Economy Market, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent No. 2759350, by Resolution No. 1693-05 adopted by the Council on September 12, 2005; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to 5404 Storer AM, LLC, DBA Economy Market, 5404 Storer Avenue, 1st floor and basement front, Cleveland, Ohio 44102, Permanent No. 2759350 be and the same is hereby withdrawn and Resolution No. 1693-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 129-06.

By Council Members Conwell and Turner.

An emergency resolution opposing the government-backed violence in Darfur, Sudan which seeks to rid Darfur of African tribes by encouraging violence against such African tribes as a way of forcing them from Darfur, Sudan, and further, urging the United States government to intervene through legislative measures and by sending an international peacekeeping force with the ability to protect civilians and urging the City to disinvest any financial interest it may have in the Sudan.

Whereas, since February, 2003, a government-backed militia known as Janjaweed has been engaging in a systematic program of expulsion, rape and murderous violence in Darfur, Sudan; and

Whereas, Janjaweed has allegedly ordered all its commanders and security officers to "change the demography of Darfur and make it void of African tribes"; and

Whereas, the government-backed Janjaweed has also encouraged "killing, burning villages, farms, terrorizing people, confiscating property from members of African tribes and forcing them from Darfur"; and

Whereas, attacks on civilians continue, in violation of United Nations resolutions and ceasefire agreements; and

Whereas, this violence also threatens United Nations and non-governmental aid workers, many organizations of which have downscaled or ceased operations in dangerous areas; and

Whereas, millions of Darfurians remain reliant on international aid for survival, while the escalating violence has made such aid almost impossible to deliver; and

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

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

Section 1. That this Council hereby opposes the government-backed violence in Darfur, Sudan which seeks to rid Darfur of African tribes by encouraging violence against such African tribes as a way of forcing them from Darfur, Sudan.

Section 2. That, further, this Council urges the United States government to intervene through legislative measures and by sending an international peacekeeping force with the ability to protect civilians.

Section 3. That, this Council also urges the City to disinvest any financial interest it may have in the Sudan.

Section 4. That the Clerk of Council is hereby directed to transmit copies of this resolution to Kofi Annan, U.N. Secretary General, the President George W. Bush and all members of the Congressional delegation representing Cuyahoga County.

Section 5. 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. 130-06.

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

An emergency resolution urging Governor Taft to veto Ohio Senate Bill 82 which prohibits political subdivisions from requiring their permanent full-time employees to reside in any specific area of the state as such bill violates the right of local self government which is afforded the citizens of a charter municipality under the Ohio Constitution.

Whereas, on January 18, 2006, the Ohio General Assembly, ignoring the Constitution of the State of Ohio, and with reckless disregard of the Constitutional right of charter municipalities in the State of Ohio to govern themselves, passed Senate Bill 82; and

Whereas, a municipality's right to invoke residency requirements for its employees is not a matter of statewide concern or a matter where the state has a predominant interest; and

Whereas, the power of local government includes the ability of a municipality to provide for the structure and organization of its government, and to require city residency as a condition of employment; and

Whereas, in 1982, the citizens of the City of Cleveland voted to amend their Charter to require employees of the City to be bona fide residents of the City and remain residents during their terms of employment; and

Whereas, the passage of S.B. 82 is an attempt to legislatively override the will of the voters of the City of Cleveland; and

Whereas, Senate Bill 82 is unconstitutional as it directly conflicts with a municipality's home rule powers; and

Whereas, in passing S.B. 82, the Ohio General Assembly fell victim to political pandering and violated their oath to uphold the Ohio Constitution; and

Whereas, Senate Bill 82 is part of a continuing attempt by the Ohio General Assembly to eliminate the right of the citizens of charter municipalities in Ohio to adopt a charter and to exercise the all powers of local self government; 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 Governor Taft to veto Ohio Senate Bill 82 which prohibits political subdivisions from requiring their permanent full-time employees to reside in any specific area of the state, as such bill violates the right of local self government which is afforded the citizens of a charter municipality under the Ohio Constitution.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to Governor Bob Taft, the President of the Ohio Municipal League, the Cuyahoga County Mayors and Managers Association, the Northeast Ohio Mayors and Managers Association, and the members of the National League of Cities.

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. 131-06.

By Council Member Britt.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 7904 Cedar Road, and repealing Resolution No. 1325-05, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 7904 Cedar Road by Resolution No. 1325-05 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 C1 and C2 Liquor Permit to Jabco, Inc. Cleveland, DBA Cedar's Finest, 7904 Cedar Road, Cleveland, Ohio 44103, Permanent Number 4189180 be and the same is hereby withdrawn and Resolution No. 1325-05, 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. 132-06.

By Council Members Pierce Scott, Westbrook, White, Cimperman, Dolan, Santiago, Britt, Coats, Conwell, Cleveland, Turner, Lewis, Kelley, Zone, Polensek, Cummins, Brady, Sweeney and Johnson.

An emergency resolution calling on the United States government to state formally that the United States does not intend to keep permanent military bases in Iraq and will allow the Iraqi government to freely determine its economic future and use of its oil resources, to immediately begin a humane, orderly and comprehensive withdrawal of United States military personnel and bases from Iraq, to couple the withdrawal with negotiations with all relevant Iraqi parties in order to minimize concomitant or ensuing violence, and to provide full benefits to American soldiers who have served in Iraq.

Whereas, Cleveland City Council supports the brave men and women deployed in Iraq; and

Whereas, Cleveland City Council honors the memory of those men and women who have died serving their country in the Iraq War and the families who have lost loved ones; and

Whereas, Cleveland City Council agrees with the statement of Congressman John Murtha (Democrat, Pennsylvania): "the threat posed by terrorism is real, but we have other threats that cannot be ignored the future of our military is at risk the burden of this war has not been shared equally; the military and their families are shouldering this burden"; and

Whereas, our families have paid a heavy price for the United States' involvement in Iraq with the deaths of more than 2,200 our sons and daughters serving in the United States military, the wounding and disabling of more than 16,000 American troops and the deaths of more than 30,000 Iraqi civilians; and

Whereas, many Cleveland families have suffered grievous loss or injury to their kin serving in Iraq; and

Whereas, more than \$200 billion has been appropriated to fund the Iraq War and reconstruction operations; and

Whereas, Cleveland's share of these funds could have provided 1000 extra school teachers, 300 public safety officers, health insurance for 14,000 uninsured adults and Head Start for 8,500 children; and

Whereas, despite statements by the Bush Administration that we

must "stay the course" for fear of chaos after withdrawal, many respected polls show that the majority of Iraqi Sunnis and Shiites, who know their country best and who have the most to lose from such chaos, oppose the American occupation and want us to leave Iraq, and the leaders for all Iraq now support a timetable for American withdrawal; and

Whereas, Iraqis at the recent Cairo conference appeared to be ready to negotiate reduction of violence and suppression of foreign terrorists in return for an American exit, Sunni security and a fair share of power and resources; and

Whereas, the recent Iraqi elections should allow the people of Iraq to take responsibility for establishing a government and an economy of their own choosing, and to ensure that the rights and safety of minorities are protected; and

Whereas, every day of continued occupation of Iraq increases distrust of the United States in much of the world and fuels recruitment of and serves as a training ground for terrorists; and

Whereas, in Resolution No. 100-03, adopted January 27, 2003, this Council opposed this war as unnecessary before it began and the Administration's major reasons for going to war have been proven false; and

Whereas, United States Representatives Stephanie Tubbs Jones and Dennis Kucinich, who represent our city in Congress, have vigorously opposed the Iraq War; and

Whereas, the Iraq War has distracted this country from its real priorities in providing international security and domestic health care, economic development, education and security for all U.S. citizens; and

Whereas, members of the 9/11 Commission have publicly stated that the United States is at great risk for more terrorist attacks because Congress and the White House have failed to enact several strong security measures; and

Whereas, such security measures include improving communication among emergency responders and shifting federal terrorism-fighting money to the areas most at risk; and

Whereas, almost 200 American cities, including Chicago, Baltimore, Philadelphia and Gary, Indiana have passed resolutions similar to this; and

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

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

Section 1. That this Council calls on the United States government to state formally that the United States does not intend to keep permanent military bases in Iraq and will allow the Iraqi government to freely determine its economic future and use of its oil resources, to immediately begin a humane, orderly and comprehensive withdrawal of United States military personnel and bases from Iraq, to couple the withdrawal with negotiations with all relevant Iraqi parties in order to minimize concomitant or ensuing violence, and to provide full benefits to Amer-

ican soldiers who have served in Iraq.

Section 2. That the Clerk of Council is hereby requested to transmit copies of this resolution to President George W. Bush, United States Senator George Voinovich, United States Senator Michael DeWine, Congresswoman Stephanie Tubbs-Jones, and Congressman Dennis Kucinich.

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 third time in full. Adopted. Yeas 18. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Polensek, Santiago, Pierce Scott, Turner, Westbrook and Zone.

Those voting nay: Council Member Reed.

Absent: Council Members Brancatelli and White.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1868-05.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to develop a five-year business strategy plan, for the Division of Cleveland Public Power.

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

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

Ord. No. 2074-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 1433 East 49th Street to Ohio Diesel Technical Institute, or its designee.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 2146-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from

the Ohio Department of Health for the 2006 STD Control Grant Gonorrhea Screening Project; and authorizing the purchase by one or more requirement contracts of equipment, materials, and supplies necessary to implement the grant.

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

Ord. No. 2147-05.

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

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

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

1. In the title, at the end, strike the period and insert “; and authorizing the director to enter into one or more contracts with an agency or individual to implement the grant.”.

2. Insert new Sections 5 and 6 to read as follows:

“Section 5. That the Director of Public Health is authorized to enter into one or more contracts with an agency or individual to implement the grant as described in the file.

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

3. Renumber existing Section 5 as new “Section 7”.

Amendments agreed to.

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

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

Ord. No. 2148-05.

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

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

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

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

Ord. No. 2149-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Kaiser Permanente of Ohio for the 2006 Kaiser Worksite Wellness Program.

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

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

Ord. No. 2151-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2006 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.

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

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

Ord. No. 2191-05.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Ohio Department of Health for performance of environmental assessments of the residences of Medicaid-eligible children, for the Division of Environment, Department of Public Health.

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

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

Ord. No. 2192-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County for the Lead Investment and Minor Renovation Initiative Program; and to enter into one or more contracts with various agencies, entities, or individuals necessary to implement the grant.

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

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

Ord. No. 2194-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Health and Human Services to rehabilitate and renovate four City-owned health centers; authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies needed to implement the grant; determining the method of making the public improvement of rehabilitating and renovating four City-owned health centers; authorizing the Director to enter into one or more public improvement contracts for the mak-

ing of the improvement; and authorizing the Director to enter into one or more contracts with QS Technologies, Inc. for the acquisition of one or more licenses for an electronic medical charting system, including but not limited to installation, design, training, testing, technical support, and software maintenance for a period of one year.

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

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

Ord. No. 2195-05.

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

An emergency ordinance authorizing the Director of Public Health to lease property at 18574 Cranwood Parkway in Warrensville Heights, Ohio, from Michael Downing Realty, LLC. for a term not to exceed six months, for the public purpose of occupying space to store and maintain vehicles for the Cleveland House of Corrections.

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

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

Ord. No. 2196-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Environmental Protection Agency for the Day Care Outreach Program; to enter into one or more contracts with various agencies, entities, or individuals; authorizing the director to enter into one or more requirement contracts of materials, equipment, and supplies necessary to implement the grant.

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

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

Ord. No. 2197-05.

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

An emergency ordinance authorizing Director of Public Health to apply for and accept a grant from Invest in Children for the MomsFirst and Help Me Grow Partnership Program; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies needed to implement the grant.

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

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

Ord. No. 2201-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with CASNET for professional services necessary to support and maintain OnBase hardware and software for a two year period.

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

1. In the title, lines 5 and 6, strike "for a two year period." and insert a period.

2. In Section 1, line 3, strike "for a two year period" and insert "for a period of one or two years"; and at the end, add "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."

Amendments agreed to.

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

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

Ord. No. 2207-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to Community United Head Start and Day Care, Inc. for a term of one year, at the Earle B. Turner Recreation Center located at 11300 Miles Avenue, for the purpose of operating a day care.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 2232-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, for the Division of Water, Department of Public Utilities, for a two year period.

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

1. In the title, lines 5 and 6, strike "for a two year period." and insert a period.

2. In Section 1, line 3, strike "for the period of two years" and insert "for a period of one or two years";

and at the end, add "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."

Amendments agreed to.

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

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

Ord. No. 2234-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to refurbish the SCADA and PCCS Systems, including replacement parts, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, tuning, upgrades, and support and maintenance necessary for the operation of the systems, for the Department of Public Utilities, for a period of two years.

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

1. In the title, lines 11 and 12, strike "for a period of two years." and insert a period.

2. In Section 1, line 3, strike "for a two year period" and insert "for a period of one or two years"; and at the end, add "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."

Amendments agreed to.

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

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

Ord. No. 2237-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2006 Juvenile Accountability Incentive Block Grant Program; and authorizing one or more contracts with Americorps VISTA to implement the grant.

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

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

Ord. No. 2238-05.

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 Cuyahoga County for the 2006 Youth Community Diversion Program.

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

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

Ord. No. 2241-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Wade Park at East 105th Street and East Boulevard, southwest, to the United States Department of Veterans Affairs to expand their medical center.

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

1. In the title, strike lines 4, 5, 6, and 7 in their entirety and insert: "needed for public use located in and being a part of Wade Park at East 105th Street and East Boulevard to the United States of America for expansion of the Veterans Administration Medical Center."

2. Strike the first whereas clause in its entirety and insert:

"Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property no longer needed for public use and located in and being a part of Wade Park at East 105th Street and East Boulevard to the United States of America for expansion of the Veterans Administration Medical Center; and"

Amendments agreed to.

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

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

Ord. No. 2253-05.

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

An emergency ordinance to amend the title, and Sections 2 and 3 of Ordinance No. 2056-04, passed January 31, 2005; and to supplement the ordinance by adding new Sections 2a, 2b, 2c, 3a, and 3b, relating to the widening of West 150th Street between Industrial Parkway and Brook Park Road.

Approved by Directors of Public Service, City Planning Commission,

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

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

Ord. No. 8-06.

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

An emergency ordinance to vacate a portion of Sector Avenue, Belmont Avenue, Elmwood Avenue, West 118th Place and West 120th Street.

Approved by Directors of Economic 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. 23-06.

By Council Members Westbrook, Pierce Scott, Cimperman and Sweeney.

An emergency ordinance determining the method of making the public improvement of abating asbestos, demolishing the Trinity Building located at 9203 Detroit Avenue, and soil remediation; authorizing the Director of Economic Development to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to enter into one or more contracts with HZW Environmental for technical assistance and environmental oversight.

Approved by Directors of Economic 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.

**SECOND READING
ORDINANCES PASSED**

Ord. No. 1840-05.

By Council Member Zone.

An ordinance to change the Use District of the rear half of a parcel of land on the South side of Elton Avenue from a Local Retail Business District to a Two-Family Residential District (Map Change No. 2162, Sheet Number 1).

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

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

Ord. No. 1963-05.

By Council Member Britt.

An ordinance establishing the a Pedestrian Retail Overlay (PRO) District along Larchmere Boulevard between East 121st Street and North Moreland Boulevard (Map Change No. 2167, Sheet No. 9).

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

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

Ord. No. 1993-05.

By Council Member Zone.

An ordinance changing the Use District of property on the northwest corner of Franklin Ave. and W. 65th St. to a Local Retail Business District and changing the Use, Area and Height Districts of property located on the east side of W. 65th St. from Franklin Avenue, including the north side, to Bridge Avenue to a Two Family Residential District, a 'B' Area District and a '1' Height District (Map Change No. 2168, Sheet 1).

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

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

Ord. No. 1994-05.

By Council Member Britt.

An ordinance to change the zoning of the rear 50 feet of 8110 Carnegie Avenue from Local Retail Business to Semi-Industry (Map Change No. 2169, Sheet 5).

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

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

Ord. No. 2043-05.

By Council Members Cimperman, Lewis, Jackson and Britt.

An ordinance expanding the Midtown Business Revitalization District as shown on the attached map (Map Change No. 2170, Sheet Numbers 4 & 5).

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

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

Ord. No. 2083-05.

By Council Member Cimperman.

An ordinance to change the Use District of land bounded by East 55th Street, Bonna Avenue and East 58th Street as shown on the attached map to a Residence Industry District (Map Change No. 2172, Sheet 4).

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

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

Ord. No. 2095-05.

By Council Member Santiago.

An ordinance establishing the Clark Metro Business Revitalization District (Map Change No. 2082 Sheet Nos. 1 and 2).

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

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

LAID ON THE TABLE

Ord. No. 2152-05.

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 United States Department of Justice, COPS Office, for the 2005 COPS Interoperable Communications Technology Program; authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services needed to implement the grant; and authorizing the Director to employ one or more professional consultants to implement the grant.

Without objection, Ordinance No. 2152-05 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 2152-05 laid on the table.

MOTION

By Council Member Kelley, seconded by Council Member Britt, and unanimously carried that the absence of Council Members Anthony Brancatelli and Robert J. White be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:45 p.m. to meet Monday, January 30, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 18, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 18, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Acting

Interim Director Smith, Interim Directors Thompson, Rush, Rudman, Huth, Director Fumich, Interim Directors Taylor and Rybka.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Commissioner, Office of Equal Opportunity.

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

Resolution No. 20-06.

By Interim Director Rybka.

Whereas, Ordinance No. 2154-05, passed December 5, 2005, provided that, upon the concurrence of this Board of Control, the Department of Building and Housing will continue past January 31, 2006; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board concurs in the continuation of the Department of Building and Housing past January 31, 2006.

Be it further resolved that the Secretary of the Board of Control is instructed to file a certified copy of this resolution with the Clerk of Council immediately upon the adoption of this resolution for attachment to Ordinance No. 2154-05.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Acting Interim Director Smith, Interim Directors Thompson, Rush, Rudman, Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

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, FEBRUARY 6, 2006

9:30 A.M.

Calendar No. 06-2: Appeal of Kashmir Singh Hack License Suspension

Kashmir Singh appeals under Section 76-6 of the Charter of the City of Cleveland from the suspension of a City of Cleveland Hack License, issued by the Commissioner of Assessments and Licenses for failure to show proof of residency as required in Section 443.13(a) of the Cleveland Codified Ordinances.

Calendar No. 06-3: Appeal of Joseph H. Singh Hack License Suspension

Joseph H. Singh appeals under Section 76-6 of the Charter of the City of Cleveland from the suspension of a City of Cleveland Hack License, issued by the Commissioner of Assessments and Licenses for failure to show proof of residency as required in Section 443.13(a) of the Cleveland Codified Ordinances.

Calendar No. 06-4: 2919 East 37th Street (Ward 5)

Charles Whitfield, owner, appeals to erect a 2,046 square foot addition to an existing one-story, concrete building and establish use as a warehouse and fabricating shop, proposed to be situated on consolidated parcels located in a Semi-Industry District on the east side of East 37th Street at 2919 East 37th Street; contrary to the Off-Street Loading and Parking Requirements, no parking is proposed and 4 spaces are required as stated in Section 347.04(j) of the Codified Ordinances.

Calendar No. 06-6: 2572 Scranton Road (Ward 14)

Charles Christopher LLC and Chris Lieb, owner, appeal to establish use as a restaurant on the second floor of an existing two-story building, and to add a walk-in cooler and outdoor patio to an existing tavern and restaurant, situated on a 62' x 130' corner parcel, located in split zoning for General Retail Business and Multi-Family Districts on the southwest corner of Scranton Road and Starkweather Avenue at 2572 Scranton Road; subject to the provisions of Section 349.04(f), additional off-street parking is required at the rate of one space per four seats, or a total of 28 additional parking spaces; and expansion of the existing nonconforming tavern/restaurant requires the Board of Zoning appeals approval according to Section 359.01 of the Codified Ordinances.

Calendar No. 06-7: 2602 Scranton Road (Ward 14)

John Yelko, owner, and Chris Lieb, prospective lessee, appeal to reconfigure an existing parking lot located in split zoning between General Retail Business and Multi-Family Districts on the west side

of Scranton Road at 2602 Scranton Road; contrary to Sections 352.08 through 352.10, no landscaping is shown and the proposed reconfigured parking lot requires a 6' wide landscaped frontage strip where the parking lot abuts Scranton Road; and neither paving nor draining of the parking lot are shown on the proposed plan, contrary to Section 349.07 of the Codified Ordinances.

Calendar No. 06-8: Appeal of Sucha Singh Hack License Suspension

Sucha Singh appeals under Section 76-6 of the Charter of the City of Cleveland from the suspension of a City of Cleveland Hack License, issued by the Commissioner of Assessments and Licenses for failure to show proof of residency as required in Section 443.13(a) of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 23, 2006

At the meeting of the Board of Zoning Appeals on Monday, January 23, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-386: 5801 Wetzel Avenue

The Mini Maxi Corporation appealed to construct two individual masonry and frame storage buildings on an existing nonconforming mini-storage complex located in split zoning for Two-Family and General Industry Districts; subject to conditions.

Calendar No. 05-379: 3060 West 121st Street

Larjon Corporation appealed to install 6' high chain link fence on a 209' x 237' parcel in split zoning between Semi-Industry and General Industry Districts; subject to revised plan.

The following appeal was **Denied:**

Calendar No. 05-389: 3915 Buechner Avenue

Agnes Livengood appealed to install a 4' tall chain link fence in the front yard of a single family dwelling in an A1 One-Family District.

Calendar No. 05-378: 3249 East 143rd Street

Rashiqa Abukhalil appealed to rebuild a nonconforming building with stores in a Two-Family District.

The following appeals were **Withdrawn:**

Calendar No. 05-387: Appeal of Larry Saulsberry Hack License Suspension

Larry Saulsberry appealed from the suspension of a City of Cleve-

land Hack License issued by the Commissioner of Assessments and Licenses.

Calendar No. 05-388: 16416 Westview Avenue
Melanie Chapman-Bowen appealed to establish use as a Type A Day Care in a single family dwelling in an A1 One-Family District.

The following appeal was **Dismissed:**

Calendar No. 05-390: 1055 Ivanhoe Road
Ivanhoe-Cleveland Associates, Ltd., owner, and Ishmeal Pettigrew, prospective purchaser, appealed to construct an auto garage in a Local Retail Business District.

The following appeal was **Postponed:**

Calendar No. 05-377: 3341 Broadview Road postponed to February 27, 2006.

In Executive Session on January 23, 2006, the following appeals heard by the Board on January 17, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-382: 11601 Shaker Boulevard
Patrick Shaker Properties LLC appealed to change the use of a former service station site to a use for an office on a corner lot in a Local Retail Business District.

Calendar No. 05-383: 3601 Clinton Avenue
Domestic Violence Center appealed to construct an addition to an existing, legal nonconforming boarding house in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 05-385: 443 East 114th Street
Tiffany Fulton, owner, and Mekhai Jackson, tenant, appeal to establish use as a Type A Day Care in a single family dwelling in an A1 One-Family District.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

FRIDAY, FEBRUARY 3, 2006

Golf Course Food, 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 THURSDAY, JANUARY 26, 2006 AT 10:00 A.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Golf Course Beverages, 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 THURSDAY, JANUARY 26, 2006 AT 10:30 A.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Fertilizer, Pesticides and Seeds 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 THURSDAY, JANUARY 26, 2006 AT 11:00 A.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

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 THURSDAY, JANUARY 26, 2006 AT 11:30 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 THURSDAY, JANUARY 26, 2006 AT 12:00 P.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 THURSDAY, JANUARY 26, 2006 AT 12:30 P.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 18, 2006 and January 25, 2006

WEDNESDAY, FEBRUARY 8, 2006

Call Accounting System (Re-Bid), for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 69-04, passed by the Council of the City of Cleveland, January 12, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, FRIDAY, FEBRUARY 3, 2006 AT 1:00 P.M., DIVISION OF INFORMATION TECHNOLOGY AND SERVICES, 205 ST. CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.**

Sewer Test Tee Inspection, Installation and Snaking, for the Division of Water Pollution Control, Department of Public Utilities, as

authorized by Section 541.13, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 2, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE (RED CONFERENCE ROOM), CLEVELAND, OHIO 44108. THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

January 25, 2006 and February 1, 2006

WEDNESDAY, FEBRUARY 15, 2006

Phase II Residential Sound Insulation Program (RSIP) 2006 General Construction (Contract B-06-1) and HVAC/Electrical (Contract B-06-2), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

THERE WILL BE A REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 2, 2006 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

Purchase of Various Ford Passenger/Police Vehicle Parts, for the Division of Motor Vehicle Maintenance, Department of Public Ser-

vice, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

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

Purchase of Various Meyer Snow Plow/Spreader Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 2, 2006 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

January 25, 2006 and February 1, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, January 23, 2006

9:30 a.m.

Public Parks, Property and Recreation Committee: Present: Johnson, Chair; Kelley, Polensek, Turner.

Authorized Absence: White, Vice Chair; Brancatelli, Cummins. *Protom:* Santiago, Pierce Scott.

11:00 a.m.

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

1:00 p.m.

Joint-Community and Economic Development, City Planning and Finance Committees: Present in CDED: Pierce Scott, Chair; Cimperman, Coats, Brady, Lewis, Cummins, Westbrook, Zone. *Authorized Absence:* Brancatelli.

Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Reed, Lewis, Zone. *Authorized Absence:* Conwell, Dolan.

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

2:00 p.m.

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

Tuesday, January 24, 2006

9:30 a.m.

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

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