

# The City Record

Official Publication of the Council of the City of Cleveland



March the Fifteenth, Two Thousand and Six

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

### MAYOR – Frank G. Jackson

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

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

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

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

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

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

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

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

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

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.  
 Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Interim Director, 3rd Floor, City Hall

DIVISIONS: Administrative Services – Terrence Ross, Commissioner  
 Neighborhood Services – Louise V. Jackson, Commissioner  
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Interim Director, Room 500

DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner  
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec'y; \_\_\_\_\_, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, \_\_\_\_\_, Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, MARCH 15, 2006

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## CITY COUNCIL

MONDAY, MARCH 13, 2006

### The City Record

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Address all communications to

**EMILY LIPOVAN**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, March 13, 2006

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

Council Members present: Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Cummins, Dolan, Johnson, Kelley, Lewis, Polensek, Santiago, Pierce Scott, Sweeney, Westbrook and White.

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Andrew Edwards, Ph.D, of Fellowship Missionary Baptist Church, located at 1754 East 55th Street in Ward 7. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 1290-05-E.

Respond from Ata Mustafa, property owner — withdrawing objection to Resolution No. 1290-05, sidewalk assessment notice. Received.

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

##### File No. 468-06.

From Cleveland Housing Network, Inc. — Cleveland East LP. Received.

##### File No. 469-06.

From Cleveland Housing Network, Inc. — South Pointe Commons. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 470-06.

Re: New Application — 2847706 — 4053 Marvin Avenue, Inc., d.b.a. Quick Shop Food Mart, 4053 Marvin Avenue, first floor and basement. (Ward 14). Received.

##### File No. 471-06.

Re: Transfer of Ownership Application — 2772871 — Fleet Pub LLC, d.b.a. The Village Pub, 5509 Fleet Avenue, first floor and basement. (Ward 12). Received.

#### STATEMENT OF WORK ACCEPTED

##### File No. 472-06.

From the Department of Public Service — City Hall Alterations Project (City Planning/Room 514), Contract No. 63869. Received.

#### PLAT

##### File No. 280-06.

Mohican Avenue Extension — Subdivision Plat (Ward 11).

Approved by the Public Service and City Planning Committees. Received.

Without objection, plat approved. Yeas 17. Nays 0.

**CONDOLENCE RESOLUTIONS**

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

- Res. No. 473-06**—C. Lyonel Jones.  
**Res. No. 474-06** — Coretta Scott King.

**CONGRATULATION RESOLUTIONS**

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

- Res. No. 475-06**—Evangelist Jerome C. Davis.  
**Res. No. 476-06**—Thione Niang.  
**Res. No. 477-06** — Deputy Chief Hector Luis Cuevas.  
**Res. No. 478-06**—James A. Slapnik, Jr.  
**Res. No. 479-06**—June Slapnik.  
**Res. No. 480-06**—Kathy Hlad.  
**Res. No. 481-06** — Helen Marie (Champa) Kozlevchar.  
**Res. No. 482-06**—Joseph Hocevar.  
**Res. No. 483-06** — Anthony M. Mahne.  
**Res. No. 484-06** — Christine Hammond Novak.  
**Res. No. 485-06**—Joe Novak.  
**Res. No. 486-06** — Robert T. Okolish.  
**Res. No. 487-06**—Albert F. Zdolshak.  
**Res. No. 488-06**—Our Lady of Mt. Carmel Parish — 80th Anniversary.

**RECOGNITION RESOLUTIONS**

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

- Res. No. 489-06**—Arab American Community Center for Economic & Social Services in Ohio.  
**Res. No. 490-06** — Annual Sigma Youth Symposium.  
**Res. No. 491-06**—William M. Denihan.  
**Res. No. 492-06**—Bryan C. Gillooly.  
**Res. No. 493-06**—Reverend George T. Hrbek.  
**Res. No. 494-06**—Holy Trinity Baptist Church.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 447-06.**  
**By Council Members Cummins, Kelley, Brady and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to execute deeds of easement granting to the Board of Commissioners of Cuyahoga County certain highway and aerial easement rights in property needed to reconstruct, repair, and maintain the Fulton Road Bridge; and declaring the easement rights not needed for public use.**

Whereas, the Board of Commissioners of Cuyahoga County (the "County") has requested the Director of Public Service to convey certain highway and aerial easement rights in various locations in and around the existing Fulton Road Bridge in order for the County to reconstruct, repair, and maintain a new bridge; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the highway and aerial easement interests in the properties described in File No. 447-06-A are not needed for public use.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, highway and aerial easements to the County, subject to any conditions stated herein, at a price of One Dollar (\$1.00).

**Section 3.** That the highway and aerial easements shall be non-exclusive and the purpose of the easements shall be to reconstruct, repair, and maintain the Fulton Road Bridge.

**Section 4.** That the duration of the highway and aerial easements shall be perpetual; that the easements may include reasonable right of entry rights to the City; that the easements shall not be assignable without the consent of the Director of Public Service; that the easements shall require that the County indemnify the City, provide reasonable insurance, maintain any County improvements located within the easements, and pay any applicable taxes and assessments.

**Section 5.** That the conveyances referred to above shall be made by official deeds of easement prepared by the Director of Law and executed by the Director of Public Service on behalf of the City of Cleveland. The Directors of Public Service and Law are authorized to execute any other documents, including without limitation, contracts for rights of entry, that are necessary to effect the reconstruction, repair, and maintenance of the Fulton Road Bridge.

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

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

**Ord. No. 448-06.**  
**By Council Members Cleveland, Lewis, Pierce Scott, Conwell, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to execute deeds of easement granting to the Greater Cleveland Regional Transit Authority certain easement rights in various locations along Euclid Avenue needed in connection with the Euclid Corridor Transportation Project; and declaring the easement rights not needed for public use.**

Whereas, the Greater Cleveland Regional Transit Authority ("RTA") has requested the Director of Public Service to convey certain temporary and permanent easement rights in various locations along Euclid Ave-

nue needed in connection with the Euclid Corridor Transportation Project; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following temporary easement interests in the properties described in File No. 448-06-A, are not needed for public use.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, temporary highway easements to RTA, subject to any conditions stated herein, at a price of One Dollar (\$1.00).

**Section 3.** That the temporary highway easements shall be non-exclusive and the purpose of the temporary easements shall be to perform the work necessary for roadway construction.

**Section 4.** That the duration of the temporary highway easements shall be for approximately 24 months from the date of entry; that the temporary easements may include reasonable right of entry rights to the City; that the temporary easements shall not be assignable without the consent of the Director of Public Service; that the temporary easements shall require that the County indemnify the City, provide reasonable insurance, maintain any County improvements located within the temporary easements, and pay any applicable taxes and assessments.

**Section 5.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following permanent easement interests in the properties described in File No. 448-06-A, are not needed for public use.

**Section 6.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive, permanent highway easements to RTA, subject to any conditions stated herein at a price of One Dollar (\$1.00).

**Section 7.** That the permanent highway easements shall be non-exclusive and the purpose of the permanent easements shall be for public highway and road purposes, including utility construction, relocation and/or utility maintenance work.

**Section 8.** That the duration of the permanent highway easements shall be perpetual; that the permanent easements may include reasonable right of entry rights to the City; that the permanent easements shall not be assignable without the consent of the Director of Public Service; that the permanent easements shall require that RTA indemnify the City, provide reasonable insurance, maintain any RTA improvements located within the permanent easements, and pay any applicable taxes and assessments.

**Section 9.** That the conveyances referred to above shall be made by official deeds of easement prepared

by the Director of Law and executed by the Director of Public Service on behalf of the City of Cleveland. The Directors of Public Service and Law are authorized to execute any other documents, including without limitation, contracts for rights of entry, that are necessary to effect the reconstruction, repair, and maintenance of the Fulton Road Bridge.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 449-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, for the Division of Traffic Engineering, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 171836)

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

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

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

**Ord. No. 450-06.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Air Power of Ohio Company for Ingersoll Rand air compressor parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

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

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154366)

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

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

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

**Ord. No. 451-06.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with The McLean Co. for Wirtgen milling machine and equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That this Council has determined that the within services are non-competitive and cannot be secured from any source other than The McLean Co. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with The McLean Co. for the period of one or two years for the necessary items of Wirtgen milling machine and equipment parts, including labor if necessary, in approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appro-

priation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154367)

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

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

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

**Ord. No. 452-06.**

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

**An emergency ordinance authorizing the Director of Public Safety to accept a donation of a microscope glove box from McCrone Microscopes & Accessories, for the Division of Fire, Department of Public Safety.**

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

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

**Section 1.** That the Director of Public Safety is authorized to accept on behalf of the Division of Fire a microscope glove box for the newly developed weapons of mass destruction mobile response vehicle, valued at \$105,000.00, from McCrone Microscopes & Accessories.

**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 Safety, Finance, Law; Committees on Public Safety, Finance.

**Ord. No. 453-06.**

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

**An emergency ordinance authorizing the Director of Public Safety to accept a donation of a 2006 Mercury Mariner Hybrid vehicle from the Ford Motor Company, for the Division of Police, Department of Public Safety.**

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

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

**Section 1.** That the Director of Public Safety is authorized to accept on behalf of the Division of Police a 2006 Mercury Mariner Hybrid vehicle, valued at \$32,898.01, from the Ford Motor Company.

**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 Safety, Finance, Law; Committees on Public Safety, Finance.

**Ord. No. 454-06.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the 2006 Gang Resistance Education and Training Program; and authorizing the purchase by one or more requirement contracts of materials and supplies needed to implement the grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$180,000.00, from the U.S. Department of Justice, Bureau of Justice Assistance to conduct the 2006 Gang Resistance Education and Training ("GREAT") Program that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

**Section 2.** That the application for the grant, File No. 454-06-A, made a part of this ordinance as if fully rewritten, including the obligation of the City to provide matching funds in the sum of \$20,000.00, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, are approved in all respects.

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

**Section 4.** That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant period of the necessary items of materials and supplies needed to implement the grant, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single con-

tract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

**Section 6.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 455-06.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Office on Violence Against Women, for the Cleveland Arrest Program; and authorizing the director to enter into one or more contracts with various entities to implement the program.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$400,000, from the United States Department of Justice, Office on Violence Against Women, to conduct the Cleveland Arrest Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

**Section 2.** That the application for the grant, File No. 455-06-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

**Section 4.** That the Director of Public Safety is authorized to enter into one or more contracts with various entities, including Partnership for a Safer Cleveland, Domestic Violence Center, the West Side Catholic Center, and the Cuyahoga County Witness Victim Service Center to implement the grant as described in the application.

**Section 5.** That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

**Ord. No. 456-06.**  
**By Council Members Cleveland, Brady, Johnson and Sweeney (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of security services at the outdoor pools located at Lonnie Burten Recreation Center and Halloran Park for the summer season, for the Division of Recreation, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed one year of the necessary items of security services at the outdoor pools located at Lonnie Burten Recreation Center and Halloran Park for the summer season, in the estimated sum of \$25,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which pur-

chase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 166587)

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

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

**Ord. No. 457-06.**  
**By Council Members Johnson and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the purchase by one or more requirement contracts of various pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of various pool chemicals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 166581)

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

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

**Ord. No. 458-06.**  
**By Council Members Johnson and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football 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 Parks, Recreation and Properties is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program, in an amount not to exceed \$71,000, payable from Fund No. 01-700401-638000, Request No. 166585.

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

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

**Ord. No. 459-06.**  
**By Council Members Johnson and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into contract with the Salvation Army, Cleveland Temple Corps, 17625 Groveswood Avenue, Cleveland, Ohio, 44119, or its designee, to administer and facilitate recreational services in the Collinwood Community in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties, in the total sum of \$100,000, payable from Fund No. 01-700401-638000, Request No. 166583.

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

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

**Ord. No. 460-06.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter an amendment to Lease Agreement No. 62490 with the Northeast Ohio Neighborhood Health Services to extend the term of the lease for an additional ten months to operate the Cleveland Career Center located at 1648 East 55th Street.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an amendment to Lease Agreement No. 62490 with the Northeast Ohio Neighborhood Health Services to extend the term of the lease an additional ten months, from September 1, 2005 to June 30, 2006, to operate the Cleveland Career Center located at 1468 East 55th Street. That the costs of the amendment shall be paid from Fund No. 16 SF 906 Request No. 148523. All other terms and conditions of the original lease shall remain the same.

**Section 2.** That the amendment shall be prepared by the Director of Law and shall contain terms and provisions as the Director deems necessary to protect and benefit the public interest.

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

**Ord. No. 461-06.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into loan agreement for Economic Development financial assistance in amounts not to exceed \$250,000.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into loan agreements for economic development financial assistance in amounts not to exceed \$250,000 in principal for each project if the terms of any loan agreement entered into under this ordinance are approved by the Cleveland City-wide Development Corporation and if the Mayor and the Council Member in whose ward the project for which economic development finan-

cial assistance is being given is located submit a letter of support for the project.

**Section 2.** That the loan agreements shall be paid from Fund Nos. 17 SF 008 (UDAG Repayments), 10 SF 501 (NDIF Repayments), and 17 SF 003 (SBRL).

**Section 3.** That repayments of loans shall be deposited in Fund Nos. 17 SF 006, 10 SF 502, and 17 SF 005, respectively, and are appropriated for the purposes of the respective economic development financial assistance program.

**Section 4.** That the authority granted under this ordinance shall expire December 31, 2007.

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

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

**Ord. No. 462-06.**

**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 for medical and group dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits for City of Cleveland employees.**

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 Medical Mutual of Ohio, Medical Health Insuring Corporation of Ohio, Kaiser Permanente, and QualChoice, Inc. for group medical insurance; Medical Mutual of Ohio for the provision of group dental insurance; Union Eye Care for group vision insurance; Metropolitan Life Insurance Company for term life insurance coverage; and AFSCME for group vision insurance for the term of April 1, 2005 to March 31, 2006 on the basis of their proposals, submitted for the 2006-2007 term.

**Section 2.** That the Director of Personnel and Human Resources is authorized to enter into one or more contracts with Medical Mutual Services, LLC to provide administrative services for flexible spending accounts for medical reimbursement, dependent care, and premium pass through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for the term of January 1, 2006 to December 31, 2006.

**Section 3.** That the contracts shall be prepared by the Director of Law and shall contain any conditions

and provisions that the Director deems necessary to protect and benefit the public interest including terms related to which insurance coverage will cover employees consistent with the terms of the collective bargaining agreements ratified by the City, and the terms and conditions for transferring employees from one plan to another as collective bargaining agreements are ratified by the City.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 465-06.**

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

**An emergency ordinance to supplement Ordinance No. 674-05, passed June 6, 2005, by adding new Section 6, and to renumber existing section 6 to new Section 7, relating to the United States Office of Domestic Preparedness for the 2004 FEMA Assistance to Firefighters Grant to provide professional services necessary to design the installation of generators.**

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 Ordinance No. 674-05, passed June 6, 2005, is supplemented by adding new Section 6 to read as follows:

Section 6. That this Council authorizes professional services to design the installation of generators purchased under the 2004 FEMA Assistance to Firefighters grant.

**Section 2.** That existing Section 6 of Ordinance No. 674-05, passed June 6, 2005 is renumbered to new "Section 7".

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

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

**FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**Res. No. 463-06.**

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

**An emergency resolution declaring the intent to vacate a portion of Bates Avenue S.E.**



Whereas, this Council is satisfied that there is good cause to vacate a portion of Bates Avenue S.E., as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Bates Avenue S.E. (40 feet wide) extending Easterly from the Northerly prolongation of the Westerly line of East 76th Street (40 feet wide) to the Northerly prolongation of the Easterly line of East 77th Place (20 feet wide).

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

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

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

**Res. No. 464-06.**

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

**An emergency resolution declaring the intent to vacate a portion of East 59th Street.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 59th Street, as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of East 59th Street (50 feet wide) extending Southerly from the Westerly prolongation of the Southerly line of Park Avenue S.E. (width varies) to its Southerly terminus.

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

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

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

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

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

**Ord. No. 467-06.**

**By Council Member Zone.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community Forum Program through the use of Ward 17 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for the implementation of the Community Forum Program for the public purpose of providing a strategic community planning and assessment program for Cleveland residents to develop and promote sustainable neighborhoods in the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$31,875 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Res. No. 466-06.**

**By Council Member Reed.**

**An emergency resolution objecting to the transfer of Liquor License of a C2, C2X and D6 Liquor Permit to 12802 Kinsman Road.**

Whereas, the granting of this application for a liquor permit to

this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of Liquor License of a C2, C2X and D6 Liquor Permit from 2498 Corporation, DBA Woodland Shoprite, 2498 East 40th Street, 1st floor, Cleveland, Ohio 44104, Permanent Number 9116861 to Beverly Galloway, 12802 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 30193860005, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**SECOND READING ORDINANCE****Ord. No. 2200-05.**

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

An ordinance to amend Sections 1 and 2 of Ordinance No. 592-05, passed April 18, 2005, relating to the zoning of parcels on the west side of West 117th Street between Western Avenue and Interstate 90 (Map Change No. 2149, Sheet 2).

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

Council Member Santiago left the meeting.

**SECOND READING EMERGENCY ORDINANCES PASSED****Ord. No. 1570-05.**

By Council Member Cimperman. An emergency ordinance to designate a portion of Erieside Avenue as "Mather Way".

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1866-05.**

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with ORACLE for the acquisition of one or more licenses for various citywide mission-critical applications, including installation, training, support and maintenance, or in the alternative, authorizing the director to employ one or more professional consultants, computer software developers, or vendors to acquire ORACLE licenses for various citywide mission-critical applications, including installation, training, support and maintenance, for a period of one year.

Approved by Directors of Finance, Law; Committee on Finance; when amended as follows:

1. In the title, at the end, strike the period and insert **"with a one-year option to renew."**

2. In Section 1, line 4, after "year," insert **"with one option to renew for an additional one-year consecutive term, exercisable by the Director of Finance,"**

3. In Section 4, strike lines 1 and 2 in their entirety and insert:

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

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 2193-05.**

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts without competitive bidding with Thermo Electron Corporation for the purchase of not to exceed two X-ray fluorescence analyzers, for the Division of Environment, Department of Public Health.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 9-06.**

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

An emergency ordinance authorizing the Director of Public Service to cause payment for the City's share to the State of Ohio for the cost of the construction of the Morgana Run Bikeway Project; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 10-06.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Children's Hospital for Rehabilitation to encroach into the public right-of-way at three locations with three directional signs to be attached to utility poles (by separate permission).

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 11-06.**

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 12-06.**

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 13-06.**

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 16-06.**

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 20-06.**

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

An emergency ordinance to vacate a portion of Springdale Avenue.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 21-06.**

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 159-06.**

By Council Members Britt and Sweeney (by departmental request).  
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Solid Waste District for the 2006 Solid Waste Disposal Program.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from Cuyahoga County Department of Senior and Adult Services for Chore Services Program.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of bunker gear suits, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of deicing chemicals, sodium formate, and potassium acetate, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical motors, pumps, and appurtenances, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain electrical motors, pumps, and appurtenances, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 250-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electronic, telecommunication, and fiber optic systems, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain the systems, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 251-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of switch gears for various electrical sub-stations, and installation, if necessary, and labor and materials to repair, replace, and maintain switch gears, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 252-06.**

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

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of heavy-duty equipment, snow removal equipment and equipment operators for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 253-06.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and the Project Clean program for a period of one year.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Com-

mittees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 325-06.**

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Union Avenue to Kids Health 2020.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 369-06.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to Springo, Inc., or its designee, certain easement rights on property located on portions of Mohican Park which is immediately adjacent to its facility located at 3340 West 137th Street and declaring the easement rights no longer needed for public use.

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, line 4 strike "Springo, Inc." and insert "**Springco Metal Finishing, Inc.**".

2. In the first Whereas clause, strike "Springo, Inc., or its designee ('Springo') and insert "**Springco Metal Finishing, Inc., or its designee ('Springco')**".

3. In the second Whereas clause, line 1; in Section 2, line 3; and in Section 4 lines 2, 5 and 6; strike "Springo" and insert "**Springco**".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

#### SECOND READING ORDINANCES PASSED

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

By Council Member Cimperman.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1896-05.**

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**MOTION**

By Council Member Dolan, seconded by Council Member Kelley and unanimously carried that the absence of Council Members Kevin Conwell, Zachary Reed, Nina Turner and Matthew Zone, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 7:33 p.m. to meet on Monday, March 20, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

**THE CALENDAR**

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

**ORDINANCE**

**Ord. No. 2200-05.**

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

An ordinance to amend Sections 1 and 2 of Ordinance No. 592-05, passed April 18, 2005, relating to the zoning of parcels on the west side of West 117th Street between Western Avenue and Interstate 90 (Map Change No. 2149, Sheet 2).

The following measure will be on its final passage on March 27, 2006:

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

**By Council Member Sweeney (by departmental request).**

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

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

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

**Section 1.** That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2006, the following sums be and they are hereby appropriated viz:

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

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

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

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

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

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

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

**GENERAL FUND**

Legislative Branch	\$ 5,906,124
Municipal Court	\$ 35,620,187
Executive Branch	
Office of the Mayor	2,415,555
Department of Public Safety	<b>286,025,841</b>
Community Relations Board	1,258,070
Department of Consumer Affairs	352,140
Department of Public Service	<b>39,107,573</b>
Department of Parks, Recreation & Properties	<b>38,748,612</b>
Urban Planning & Development	<b>17,222,209</b>
Department of Public Health	12,712,607
Department of Aging	632,143
Support Functions	<b>41,514,851</b>
Transfers to Other Funds	22,088,292
<b>TOTAL EXECUTIVE BRANCH</b>	<b>\$ 462,077,893</b>
<b>TOTAL GENERAL FUND</b>	<b>\$ 503,604,204</b>

Special Revenue Funds		\$ 58,739,367
Internal Service Funds		28,083,299
Enterprise Funds		626,450,298
Trust and Agency Funds		9,705,855
Debt Service Funds		56,759,261
<b>TOTAL APPROPRIATIONS FOR 2006</b>		<b><u><u>\$1,283,342,284</u></u></b>

GENERAL FUND

LEGISLATIVE BRANCH

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

JUDICIAL BRANCH

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

EXECUTIVE BRANCH

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

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$ 2,901,324
I. Personnel and Related Expenses	\$ 2,536,819	
II. Other Expenses	364,505	
Division of Police		\$ 173,531,991
I. Personnel and Related Expenses	\$162,216,206	
II. Other Expenses	11,315,785	
Division of Fire		\$ 85,490,737
I. Personnel and Related Expenses	\$ 81,885,782	
II. Other Expenses	3,604,955	

Division of Emergency Medical Services		\$ 23,114,209
I. Personnel and Related Expenses	\$ 20,853,315	
II. Other Expenses	2,260,894	

Division of Dog Pound		\$ 987,580
I. Personnel and Related Expenses	\$ 811,519	
II. Other Expenses	176,061	

TOTAL DEPARTMENT OF PUBLIC SAFETY		<u><u>\$ 286,025,841</u></u>
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## COMMUNITY RELATIONS BOARD

Community Relations Board		\$ 1,258,070
I. Personnel and Related Expenses	\$ 1,160,560	
II. Other Expenses	97,510	

TOTAL COMMUNITY RELATIONS BOARD		<u><u>\$ 1,258,070</u></u>
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## DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$ 352,140
I. Personnel and Related Expenses	\$ 296,161	
II. Other Expenses	55,979	

TOTAL DEPARTMENT OF CONSUMER AFFAIRS		<u><u>\$ 352,140</u></u>
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## DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$ 522,682
I. Personnel and Related Expenses	\$ 506,096	
II. Other Expenses	16,586	

Division of Architecture		\$ 697,880
I. Personnel and Related Expenses	\$ 661,041	
II. Other Expenses	36,839	

Division of Waste Collection and Disposal		\$ 28,337,854
I. Personnel and Related Expenses	\$ 14,798,030	
II. Other Expenses	13,539,824	

Division of Engineering and Construction		\$ 5,066,993
I. Personnel and Related Expenses	\$ 4,653,697	
II. Other Expenses	413,296	

Division of Traffic Engineering		\$ 4,482,164
I. Personnel and Related Expenses	\$ 3,190,831	
II. Other Expenses	1,291,333	

TOTAL DEPARTMENT OF PUBLIC SERVICE		<u><u>\$ 39,107,573</u></u>
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## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$ 738,318
I. Personnel and Related Expenses	\$ 569,686	
II. Other Expenses	168,632	

Division of Research, Planning, and Development		\$ 771,449
I. Personnel and Related Expenses	\$ 688,749	
II. Other Expenses	82,700	

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

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

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

DEPARTMENT OF BUILDING AND HOUSING

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

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission			\$ 179,950
I. Personnel and Related Expenses	\$ 168,930		
II. Other Expenses	11,020		
Board of Building Standards and Appeals			\$ 108,389
I. Personnel and Related Expenses	\$ 94,325		
II. Other Expenses	14,064		

Board of Zoning Appeals		\$	221,090
I. Personnel and Related Expenses	\$	198,866	
II. Other Expenses		22,224	
Fair Campaign Finance Commission		\$	2,500
II. Other Expenses	\$	2,500	
TOTAL REGULATORY BOARDS		\$	<u>511,929</u>

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$	1,041,636
I. Personnel and Related Expenses	\$	968,547	
II. Other Expenses		73,089	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$	<u>1,041,636</u>

Office of Equal Opportunity		\$	856,547
I. Personnel and Related Expenses	\$	811,349	
II. Other Expenses		45,198	
City Planning Commission		\$	1,653,399
I. Personnel and Related Expenses	\$	1,532,455	
II. Other Expenses		120,944	
TOTAL URBAN PLANNING AND DEVELOPMENT		\$	<u><b>17,222,209</b></u>

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$	750,576
I. Personnel and Related Expenses	\$	675,853	
II. Other Expenses		74,723	
Division of Correction		\$	6,826,105
I. Personnel and Related Expenses	\$	5,191,131	
II. Other Expenses		1,634,974	
Division of Health		\$	3,496,159
I. Personnel and Related Expenses	\$	2,311,177	
II. Other Expenses		1,184,982	
Division of Environment		\$	1,211,058
I. Personnel and Related Expenses	\$	941,633	
II. Other Expenses		269,425	
Division of Air Quality		\$	428,709
I. Personnel and Related Expenses	\$	110,697	
II. Other Expenses		318,012	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$	<u>12,712,607</u>

## DEPARTMENT OF AGING

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

SUPPORT FUNCTIONS  
FINANCIAL AND LEGAL ADMINISTRATION

## DEPARTMENT OF FINANCE

Finance Administration		\$	824,731
I. Personnel and Related Expenses	\$	757,271	
II. Other Expenses		67,460	
Division of Accounts		\$	1,854,213
I. Personnel and Related Expenses	\$	1,202,995	
II. Other Expenses		651,218	



Division of Assessments and Licenses		\$	1,732,185
I. Personnel and Related Expenses	\$ 1,504,611		
II. Other Expenses	227,574		
Division of Treasury		\$	569,902
I. Personnel and Related Expenses	\$ 490,522		
II. Other Expenses	79,380		
Division of Purchases and Supplies		\$	620,138
I. Personnel and Related Expenses	\$ 540,251		
II. Other Expenses	79,887		
Bureau of Internal Audit		\$	722,356
I. Personnel and Related Expenses	\$ 422,620		
II. Other Expenses	299,736		
Division of Financial Reporting and Control		\$	1,282,028
I. Personnel and Related Expenses	\$ 1,124,870		
II. Other Expenses	157,158		
Information Systems Services		\$	3,246,122
I. Personnel and Related Expenses	\$ 2,395,421		
II. Other Expenses	850,701		
Information Tech & Planning		\$	302,478
I. Personnel and Related Expenses	\$ 290,674		
II. Other Expenses	11,804		
<b>TOTAL DEPARTMENT OF FINANCE</b>		<b>\$</b>	<b>11,154,153</b>
Office of Budget & Management-Budget Admin.		\$	681,834
I. Personnel and Related Expenses	\$ 647,759		
II. Other Expenses	34,075		
Department Law		\$	8,518,767
I. Personnel and Related Expenses	\$ 6,497,722		
II. Other Expenses	2,021,045		
<b>TOTAL FINANCE AND LEGAL ADMINISTRATION</b>		<b>\$</b>	<b>20,354,754</b>
<b>PERSONNEL ADMINISTRATION</b>			
Office of Personnel		\$	1,796,558
I. Personnel and Related Expenses	\$ 1,372,991		
II. Other Expenses	423,567		
Civil Service Commission		\$	<b>1,884,623</b>
I. Personnel and Related Expenses	\$ <b>649,880</b>		
II. Other Expenses	1,234,743		
<b>TOTAL PERSONNEL ADMINISTRATION</b>		<b>\$</b>	<b>3,681,181</b>
<b>NONDEPARTMENTAL</b>			
County Auditor Deductions		\$	1,394,000
II. Other Expenses	\$ 1,394,000		
Other Administrative		\$	16,084,916
II. Other Expenses	\$ 16,084,916		
<b>TOTAL NONDEPARTMENTAL</b>		<b>\$</b>	<b>17,478,916</b>
<b>TOTAL SUPPORT FUNCTIONS</b>		<b>\$</b>	<b>41,514,851</b>
Transfers To Other Funds		\$	22,088,292
II. Other Expenses	\$ 22,088,292		
<b>TOTAL EXECUTIVE BRANCH</b>		<b>\$</b>	<b>462,077,893</b>
<b>TOTAL GENERAL FUND</b>		<b>\$</b>	<b>503,604,204</b>

## SPECIAL REVENUE FUND

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

## INTERNAL SERVICE FUND

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

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

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

## DEPARTMENT OF PORT CONTROL

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

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$	2,303,191
I. Personnel and Related Expenses	\$	1,680,045	
II. Other Expenses		623,146	
Golf Course Fund		\$	2,237,698
I. Personnel and Related Expenses	\$	1,145,413	
II. Other Expenses		1,092,285	
Division of Parking Facilities-Off Street Parking		\$	8,733,496
I. Personnel and Related Expenses	\$	1,317,350	
II. Other Expenses		7,416,146	
Division of Convention Center		\$	7,495,341
I. Personnel and Related Expenses	\$	3,920,037	
II. Other Expenses		3,575,304	
Division of Convention Center & Stadium-West Side Market		\$	1,226,465
I. Personnel and Related Expenses	\$	600,092	
II. Other Expenses		626,373	
Division of Convention Center & Stadium-Stadium		\$	9,577,598
II. Other Expenses	\$	9,577,598	
Division of Property Management - East Side Market		\$	77,906
I. Personnel and Related Expenses	\$	56,732	
II. Other Expenses		21,174	
TOTAL PARKS, RECREATION, & PROPERTIES		\$	31,651,695
		==	==
TOTAL ENTERPRISE FUNDS		\$	626,450,298
		==	==
AGENCY FUND			
Central Collection Agency		\$	9,705,855
I. Personnel and Related Expenses	\$	6,327,612	
II. Other Expenses		3,378,243	
TOTAL AGENCY FUND		\$	9,705,855
		==	==
DEBT SERVICE FUND			
Sinking Fund Commission		\$	56,759,261
I. Personnel and Related Expenses	\$	164,301	
II. Other Expenses		565,428	
III. Debt Service		56,029,532	
TOTAL DEBT SERVICE FUNDS		\$	56,759,261
		==	==

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

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

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

**BOARD OF CONTROL**

March 8, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 8, 2006, at 10:30 a.m. with Mayor Jackson presiding.

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

Absent: Interim Director Huth.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

**Resolution No. 76-06.**

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by United Survey, Inc. under City Contract No. 64793 approved for Laverne and Superior Avenue Sewer Relining, for the Division of Water Pollution Control, Department of Public Utilities, authorized by Ordinance No. 644-03 and 837-04, passed July 16, 2003 and June 14, 2004 and Board of Control Resolution No. 427-05, adopted August 17, 2005, and Resolution No. 583-05, adopted October 19, 2005 is approved:

<u>Subcontractor</u>	<u>Work</u>
<u>MBE/FBE</u>	
Anthony Allega Cement Contractor	\$10,000.00 (2.8%)

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

Nays: None.

Absent: Interim Director Huth.

**Resolution No. 77-06.**

By Interim Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on February 15, 2006, for the public improvement of Technology and Security Center Project for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 758-04, passed June 7, 2004, are rejected.

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

Nays: None.

Absent: Interim Director Huth.

**Resolution No. 78-06.**

By Director Flask.

Whereas, Board of Control Resolution No. 514-05, adopted September 14, 2005, as amended by No. 68-06, adopted March 1, 2006, authorized the Director of Public Safety to enter into contract with Super Vacuum Mfg./SVI Trucks for an estimated quantity of cab/chassis with air/light unit body, including the trade-in of one used cab/chassis with aerial ladder, for the Division of Fire, Department of Public Safety; and

Whereas, Resolution No. 514-05, as amended by Resolution No. 68-06, incorrectly cited Ordinance No. 962-05, passed by the Council of the City of Cleveland on June 6, 2005, as authority for the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 68-06, adopted March 1, 2006, amending Resolution No. 514-05, adopted September 14, 2005, approving the bid of Super Vacuum Mfg./SVI Trucks as the lowest and best for an estimated quantity of cab/chassis with air/light unit body, including the trade-in of one used cab/chassis with aerial ladder, is amended by substituting "Ordinance No. 961-05," for "Ordinance No. 962-05."

Be it further resolved that all other provisions of Resolution No. 514-05, as amended by Resolution No. 68-06, not expressly amended by this resolution shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Interim Director Huth.

**Resolution No. 79-06.**

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Independence Communications, for an estimated quantity of mobile computer installation and removal, items, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 12, 2006, under the authority of Ordinance No. 962-05, passed by Cleveland City Council on June 6, 2005, which on the basis of the estimated quantity would amount to Forty Nine Thousand Nine Hundred Fifty Dollars (\$49,950.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 151274

as specified,

which shall be certified against such contract in the sum of \$49,950.00.

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

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

Nays: None.

Absent: Interim Director Huth.

**Resolution No. 80-06.**

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Independence Communications, for an estimated quantity of tablet PC and vehicle dock, items 1 through 11, for the Division of Fire and EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 13, 2006, under the authority of Ordinance No. 962-05, passed by Cleveland City Council on June 6, 2005, which on the basis of the estimated quantity would amount to Seven Hundred Ninety One Thousand Five Hundred Eighty One Dollars and Seventeen Cents (\$791,581.17), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 151277

as specified,

which shall be certified against such contract in the sum of \$791,581.17.

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

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

Nays: None.

Absent: Interim Director Huth.

**Resolution No. 81-06.**

By Interim Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Thermo Environmental Instruments, Inc. for an estimated quantity of Precursor Trace Gas Analyzers, all items, for the Division of Air Quality, Department of Public Health, for a period of one year beginning with the date of execution of a contract, received on Jan-

uary 11, 2005, under the authority of Ordinance No. 1486-04, passed on October 18, 2004, which on the basis of the estimated quantity would amount to \$48,895.00, is affirmed and approved as the lowest and best bid, and the Director of Public Health is requested to enter into a requirement contract for the Analyzers, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 155346 which shall be certified against the contract in the sum of \$48,895.00.

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

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

Nays: None.

Absent: Interim Director Huth.

**Resolution No. 82-06.**

By Interim Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Environics, Inc. for an estimated quantity of a stand alone Multi-Gas Calibration System, all items, for the Division of Air Quality, Department of Public Health, for a period of one year beginning with the date of execution of a contract, received on January 11, 2005, under the authority of Ordinance No. 1486-04, passed on October 18, 2004, which on the basis of the estimated quantity would amount to \$16,120.80, is affirmed and approved as the lowest and best bid, and the Director of Public Health is requested to enter into a requirement contract for the System, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 155347 which shall be certified against the contract in the sum of \$16,120.80.

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

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

Nays: None.

Absent: Interim Director Huth.

**Resolution No. 83-06.**

By Interim Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Environics, Inc. for an esti-

mated quantity of a Portable Multi-Gas Calibration System (small field unit), all items, for the Division of Air Quality, Department of Public Health, for a period of one year beginning with the date of execution of a contract, received on January 11, 2005, under the authority of Ordinance No. 1486-04, passed on October 18, 2004, which on the basis of the estimated quantity would amount to \$20,457.00, is affirmed and approved as the lowest and best bid, and the Director of Public Health is requested to enter into a requirement contract for the System, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 155348 which shall be certified against the contract in the sum of \$20,457.00.

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

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

Nays: None.

Absent: Interim Director Huth.

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, MARCH 27, 2006**

**9:30 A.M.**

**Calendar No. 06-36:** 6308 Fleet Avenue (Ward 12)

Kazimierz Chruscik, owner, appeals to convert the first floor of an existing one and two-story 32' x 140' mixed use building to a grocery store with accessory food processing and a 30 seat restaurant, situated on a 40' x 140' lot in a Local Retail Business District on the south side of Fleet Avenue at 6308 Fleet Avenue; subject to the limitations of Section 343.01, the proposed food processing, a smokehouse, is not permitted in a Local Retail District, and the proposed restaurant will require parking at the rate of one space for each four seats, with one space credited and seven additional parking spaces required, according to the provisions for accessory off-street parking in Section 349.04 of the Codified Ordinances.

**Calendar No. 06-37:** 2207 West 11th Street (Ward 13)

Jeff Eisenberg, owner, appeals to add a cover over an existing patio, the use for which was established with an existing restaurant and granted a parking variance in Calendar No. 03-172; the restaurant and patio being situated on a 41' x 66' corner parcel in a Local Retail Business District on the southeast corner of West 11th Street and Fairfield Avenue; and as proposed, the covered patio requires the Board of Zoning Appeals approval for an expansion/enlargement of an existing nonconforming use, as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 06-38** 5712 Harvard Avenue (Ward 12)

Kimberly McDermott, owner, and Barbara Bradford, tenant, appeal to expand the use of an existing two family dwelling to include a Type A Day Care, situated on a 45' x 146' parcel in a General Retail Business District on the south side of Harvard Avenue at 5712 Harvard Avenue; the Type A Day Care, by reference, is regulated according to Section 337.02(f)(3) that requires it to be 30' from the least restricted residential district of an adjoining lot not used for a similar purpose and the proposed use abuts a Two-Family District and is subject to the Board of Zoning Appeals approval to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely affecting the neighborhood.

**Calendar No. 06-39:** 3535 West 128th Street (Ward 19)

Colleen Rock, owner, appeals to install 82 linear feet of 6' tall privacy fence and 36 linear feet of 4' tall privacy fence along the eastern perimeter of a 40' x 105' corner parcel located in an A1 One-Family

District on the northeast corner of West 128th Street and Linnet Avenue at 3535 West 128th Street; contrary to the Fence Regulations, a 6' tall privacy fence is proposed where fences in actual side yards shall not exceed a 4' height and shall be at least 50% open, as stated in Section 358.04(a) of the Codified Ordinances.

Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 13, 2006

At the meeting of the Board of Zoning Appeals on Monday, March 13, 2006, the following appeals were heard by the Board:

The following appeals were **Approved**:

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

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

**Calendar No. 06-29:** 1436 West 52nd Street

Linda Adkins appealed to erect a porch enclosure to the front of a one family dwelling in a Two-Family District; subject to conditions.

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

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

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

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

The following appeal was **Denied**:

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

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

The following appeal was **Withdrawn**:

None.

The following appeal was **Dismissed**:

None.

The following appeal was **Postponed**:

**Calendar No. 06-27:** 2051 East 125th Street postponed to April 3, 2006.

In Executive Session on March 13, 2006, the following appeals heard by

the Board on March 6, 2006 were adopted and approved.

The following appeals were **Approved**:

**Calendar No. 05-384:** 12115 Euclid Avenue

Rapid Stop Properties appealed to construct a retail store and two service station fuel pumps in a Semi-Industry District.

**Calendar No. 06-24:** 4961 Old Grayton Road

Jonathan Ullrich appealed to install 307 linear feet of 6' tall fence across the front of a flag shaped parcel in an A1 Semi-Industry District.

The following appeal was **Denied**:

None.

The following appeal heard by the Board on February 27, 2006 was **Approved**:

**Calendar No. 05-391:** 11812 Kinsman Road

Arthur Doxey appealed to construct a new parking lot on a 42' x 115' parcel in a Two-Family District.

The following appeals heard by the Board on February 6, 2006 were **Approved**:

**Calendar No. 06-6:** 2572 Scranton Road

Charles Christopher LLC appealed to establish use as a restaurant on the second floor of a two-story building with an existing tavern and restaurant in split zoning for General Retail Business and Multi-Family Districts; subject to conditions.

**Calendar No. 06-7:** 2602 Scranton Road

John Yelko, owner, and Chris Lieb, prospective lessee, appealed to reconfigure an existing parking lot in split zoning between General Retail Business and Multi-Family Districts.

Secretary

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

Re: Report of the Meeting of  
March 8, 2006

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

\* \* \*

**Docket A-75-05.**

RE: Appeal of Vickie Camardo, Owner of the Property located on the premises known as 1995 West 25th Street from a NOTICE OF VIOLATION — FIRE CODE, of the Chief of the Division of Fire, both

dated June 13, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant the required time in which to install the hood, noting that the process is on the way; and to allow the stand to remain open, but have no grease laden vapors emitting from the stand, from such things as bacon or burgers. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-110-05.**

RE: Appeal of The Cleveland Museum of Art, Owner of the Property located on the premises known as 11150 East Boulevard from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 2, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, after reviewing Stair SMC-2, a motion is in order at this time to require that sprinklers be installed on the glazing in the corridor in the proposed future gallery to maintain the rating, and to require a smoke proof curtain be installed at the elevator to smoke proof the elevator to open a means of that pasture. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-5-06.**

RE: Appeal of Roy Middlebrooks, Owner of the Two Story Masonry Property located on the premises known as 3695 East 131st Street from a NOTICE OF VIOLATION — PLUMBING, of the Director of the Department of Building and Housing, and from a NOTICE OF VIOLATION — FIRE CODE, of the Chief of the Division of Fire, both dated January 6, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3596 East 131st Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-9-06.**

RE: Appeal of John N. Appling, Owner of the Property located on the premises known as 3014 East 83rd Street from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of

Building and Housing, dated January 6, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to abate all the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-10-06.**

RE: Appeal of David N. Myers University C/O Greater Heights Academy, Owner of the Property located on the premises known as 112 Prospect Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated January 11, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled in four (4) weeks, April 5, 2006.

\* \* \*

**Docket A-13-06.**

RE: Appeal of St. George Orthodox Church, Owner of the Property located on the premises known as 2621 West 14th Street from an ADJUDICATION ORDER, of the Director of the Department of Building and Housing, dated February 16, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required to the distance between the exit doors and to find that the exit door in the dining area (B) will comply through the variance with the second exit. Motion so in order. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-15-06.**

RE: Appeal of The Cleveland Museum of Art, Owner of the Property located on the premises known as 11150 East Boulevard from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 2, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variances to the elevator equipment rooms with the provision that windows be cut to allow communication between the electronic areas of the equipment room and the machinery areas, and to ensure that

lockouts of the power will be available for both areas; and a motion is also in order to approve the flat and/or 1/8" slope roof based on the track record presented, the manufacturer's recommendations, and the opinion of the structural engineer stating that these buildings will take the resulting pounding. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-5-06—Roy Middlebrooks.
A-6-06—Zaclon, LLC.
A-11-06—Tammie L. Robinson.
A-12-06—Target Corporation.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

February 22, 2006

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

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, MARCH 23, 2006

Estimated Quantity of Six (6) Trailers, for Various Divisions, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005. THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MARCH 16, 2006 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 8, 2006 and March 15, 2006

WEDNESDAY, APRIL 12, 2006

Harvard Yard Distribution and Maintenance Facility Improvements, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 553-05, passed by the Council of the City of Cleveland, June 6, 2005.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MARCH 17, 2006 AT 10:00 A.M., DISTRIBUTION AND MAINTENANCE FACILITY BUILDING, 4600 HARVARD AVENUE, NEWBURGH, OHIO 44105.

March 8, 2006 and March 15, 2006

**WEDNESDAY, MARCH 29, 2006**

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

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

March 15, 2006 and March 22, 2006

**WEDNESDAY, APRIL 5, 2006**

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

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS (\$150.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 1:00 P.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

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

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

March 15, 2006 and March 22, 2006

**THURSDAY, APRIL 6, 2006**

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

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

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

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

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

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MARCH 28, 2006 AT 2:00 P.M., WEST SIDE MARKET (AT LOADING DOCK IN THE BACK), 1979 WEST 25TH STREET (CORNER OF LORAIN AND WEST 25TH STREET), CLEVELAND, OHIO 44113.

March 15, 2006 and March 22, 2006

**FRIDAY, APRIL 7, 2006**

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

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

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

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

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

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 23, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING, PMT CONFERENCE ROOM, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 15, 2006 and March 22, 2006

**FRIDAY, APRIL 21, 2006**

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

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, WEDNESDAY, MARCH 29, 2006 AT 9:00 A.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 15, 2006 and March 22, 2006

**ADOPTED RESOLUTIONS AND ORDINANCES****Res. No. 381-06.**

**By Council Member Conwell.**

**An emergency resolution declaring this Council's support of the proposal of Famicos Foundation to the Ohio Housing Finance Agency for the development and rehabilitation of affordable housing using low-income housing tax credits.**

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Famicos Foundation is proposing to substantially rehabilitate 17 affordable housing units in the Lee Orville Apartments LP located at 10722 Lee Avenue, Cleveland, Ohio; and

Whereas, 100% of these homes will be occupied by low-income families and no housing units will be market rate; and

Whereas, no less than 60% of these housing units will serve households with incomes at or below 50% of the area median income; and

Whereas, Lee-Orville Apartments LP will serve special needs populations of families with incomes at or below 35% of the area median income with a 10% set-aside of units and the provision of supportive services; and



Whereas, the Famicos Foundation's proposal will benefit the citizens of the City; 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 declares its support of the proposal of Famicos Foundation to the Ohio Housing Finance Agency for the development and rehabilitation of affordable housing using low-income housing tax credits.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Famicos Foundation.

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

Adopted March 6, 2006.

Effective March 10, 2006.

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**Res. No. 382-06.  
By Council Members Zone and Britt.**

**An emergency resolution supporting reauthorization of the federal Ryan White CARE Act, under which the United States supports medical and other social services for 571,000 poor, underinsured, and uninsured people with HIV/AIDS in the United States — including thousands of individuals in Ohio, Cuyahoga County, and the City of Cleveland, and urging such reauthorization to be in a manner that results in just and equitable distribution of funding based on accurate counts of persons living with HIV/AIDS, and that fully takes into account the impact local economic conditions have on a region's ability to help people gain access to HIV/AIDS care and treatment.**

Whereas, since 1990 the Ryan White CARE Act has been the payer of last resort for primary medical and ancillary support services for poor, uninsured, and underinsured people with HIV/AIDS in the United States; and

Whereas, the availability of Ryan White CARE Act resources has literally meant the difference between life and death for individuals who would not otherwise be able to access the services they need; and

Whereas, the availability of Ryan White CARE Act resources has helped thousands of Cleveland and Cuyahoga County residents achieve significantly improved medical status and greater independence; and

Whereas, the Ryan White CARE Act has expired, and is currently being financed by continuing budget resolutions; and

Whereas, the US Congress is set to consider reauthorization of the Ryan White CARE Act in late March or early April; and,

Whereas, since the Ryan White CARE Act was last reauthorized in 2000, the number of HIV/AIDS cases nationally, regionally, and locally has continued to climb, even as Ryan White CARE Act resources have remained flat; and, impact that poverty, unemployment, homelessness, and other

Whereas, poverty, unemployment, homelessness, and other economic conditions have a great impact on the ability of a region to help people with HIV/AIDS gain access to and remain within comprehensive systems of HIV/AIDS care and treatment; and

Whereas, the current funding formula results in an inequitable distribution of Ryan White CARE Act resources across the United States, leaving Ohio and cities within Ohio, with fewer resources per patient than other regions of the country; and

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

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

**Section 1.** That this council supports the reauthorization of the federal Ryan White CARE Act, under which the United States supports medical and other social services for 571,000 poor, underinsured, and uninsured people with HIV/AIDS in the United States — including thousands of individuals in Ohio, Cuyahoga County, and the City of Cleveland.

**Section 2.** That, this Council urges such reauthorization to be in a manner that results in just and equitable distribution of funding based on accurate counts of persons living with HIV/AIDS, and that fully takes into account the impact local economic conditions have on a region's ability to help people gain access to HIV/AIDS care and treatment.

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

Adopted March 6, 2006.

Effective March 8, 2006.

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**Res. No. 383-06.  
By Council Member Johnson.  
An emergency resolution objecting to a New C2 Liquor Permit at 9400 Buckeye Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Paulette D. Stewart, DBA Ttampas Mini Mart, 9400 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 84651870005; 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 Paulette D. Stewart, DBA Ttampas Mini Mart, 9400 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 84651870005, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted March 6, 2006.

Effective March 10, 2006.

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**Res. No. 384-06.  
By Council Member Pierce Scott.  
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit at 10813 St. Clair Avenue.**

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

transfer of ownership of a C2 and C2X Liquor Permit from 10813 St. Clair Corporation, DBA Sunlight Market, 10813 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 6550490 to Tell This Holding, LLC, 10813 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 8836715; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from 10813 St. Clair Corporation, DBA Sunlight Market, 10813 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 6550490 to Tell This Holding, LLC, 10813 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 8836715; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted March 6, 2006.

Effective March 10, 2006.

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**Ord. No. 378-06.**

**By Council Member Coats.**

**An emergency ordinance amending the Title and Section 1 of Ordinance No. 2087-05, passed November 21, 2005 as it pertains authorizing the Director of Community Development to enter into an agreement with Northeast Neighborhood Development Corporation, for Hunger Food 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 Title and Section 1 of Ordinance No. 2087-05, passed November 21, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with the House that Wisdom Built and the Northeast Neighborhood Development Corporation serving as the fiscal agent for the Hunger Food Program through the use of Ward 10 Neighborhood Equity Funds.

**Section 1.** That the Director of Community Development to enter into or amend contracts with the House that Wisdom Built and the Northeast Neighborhood Development Corporation serving as the fiscal agent for the Hunger Food Program for the public purpose of providing warm meals and food to needy City of Cleveland residents through the use of Ward 10 Neighborhood Equity Funds.

**Section 2.** That the Title and Section 1 of Ordinance No. 2087-05, passed November 21, 2005 are hereby repealed.

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

Passed March 6, 2006.

Effective March 10, 2006.

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**Ord. No. 379-06.**

**By Council Members Cummins and Kelley.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Old Brooklyn Neighborhood Services, Inc for the Old Brooklyn Residential Safety and Health Program through the use of Ward 15, and 16 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Old Brooklyn Neighborhood Services, Inc for the Old Brooklyn Residential Safety and Health Program for the public purpose of providing health and safety programs to Cleveland residents in order to improve the quality of life in Cleveland neighborhoods through the use of Wards 15 and 16 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$32,106 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed March 6, 2006.

Effective March 10, 2006.

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**Ord. No. 380-06.**

**By Council Member Dolan.**

**An emergency ordinance amending Section 2 of Ordinance No. 299-02, passed February 25, 2002 as amended by Ordinance No. 1995-05, passed October 24, 2005 as it pertains to authorizing the Director of Economic Development to enter into an agreement with Kamms Corners Development Corporation for creating and preserving jobs and employment opportunities through the use of Ward 21 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 299-02, passed February 25, 2002 as amended by Ordinance No. 1995-05, passed October 24, 2005 are hereby amended to read as follows:

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$333,813 and shall be paid from Fund No. 10 SF 166.

**Section 2.** That Section 2 of Ordinance No. 299-02, passed February 25, 2002 as amended by Ordinance No. 1995-05, passed October 24, 2005 are hereby repealed.

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

Passed March 6, 2006.

Effective March 10, 2006.

**Ord. No. 385-06.**

**By Council Member Britt.**

**An emergency ordinance consenting and approving the issuance of a permit for the Run This Way 5K, on October 7, 2006, to benefit the Ohio College of Podiatric Medicine's Annual Fund, scheduled by Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Run This Way 5K, to benefit the Ohio College of Podiatric Medicine's Annual Fund, sponsored by Hermes Sports & Events, on October 7, 2006, starting at East 105th and Carnegie; East 105th to MLK, turn around and return same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 6, 2006.

Effective March 10, 2006.

**Ord. No. 386-06.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Bench Bar Halloween Run, to benefit the Cleveland Bar Association, on October 21, 2006, scheduled by the Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Bench Bar Halloween Run; starting at Ontario & Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside across East 9th to Aviation High School, turn around and return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 6, 2006.

Effective March 10, 2006.

**Ord. No. 387-06.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Corporate Challenge, on July 15, 2006, sponsored by the Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Corporate Challenge sponsored by the Hermes Sports & Events, on July 15, 2006, starting at South Marginal & west end of Municipal Parking Lot; South Marginal to East 55th turn around and return same route. This route will be repeated numerous times, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleve-

land, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 6, 2006.

Effective March 10, 2006.

**Ord. No. 388-06.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Cruise for the Critters race, on September 24, 2006, scheduled by the Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cruise for the Critters with the race starting at the Gateway Animal Clinic, West 15th & Abbey, Abbey to West 11th, West 11th to Starkweather, Starkweather to West 14th, West 14 to Kenilworth, Kenilworth to Scranton, Scranton to Train, turn around, Scranton to Kenilworth, Kenilworth to West 11th, West 11th to Abbey, Abbey to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

Passed March 6, 2006.

Effective March 10, 2006.

**Ord. No. 389-06.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for The National Multiple Sclerosis Society Walk, on April 21, 2006, sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The National Multiple Sclerosis Society Walk, sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society on April 21, 2006, with the Walk beginning at Tower City Amphitheater ramp to Canal Road; Canal west to Old River Road; Old River Road north to Front Street; Front Street east to West 9th; West 9th south to Lakeside; Lakeside east to West 3rd; West 3rd north around stadium to Erieside; Erieside east to East 9th; East 9th south to Carnegie; Carnegie west to Ontario; Ontario north to Superior; Superior west to West 6th; West 6th north to St. Clair; St. Clair west to West 9th; West 9th north to Front Street; Front Street west to Old River Road; Old River Road south to Canal; Canal east to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 6, 2006.

Effective March 10, 2006.

**Ord. No. 390-06.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Winking Lizard 4 Mile Run & 2 Mile Walk, on July 15, 2006, sponsored by the Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Winking Lizard 4 Mile Run & 2 Mile Walk; beginning at Huron & East 4th Street, Huron to East 4th East 4th to Prospect, Prospect to East 36th, East 36th to Carnegie, Carnegie to East 40th, East 40th to Prospect, Prospect to East 4th, East 4th to Huron, Huron to finish — in front of the Winking Lizard, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 6, 2006.

Effective March 10, 2006.

**Ord. No. 391-06.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for The 25th Annual Turkey Trot, to benefit local charities, on November 23, 2006, scheduled by Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The 25th Annual Turkey Trot, scheduled by Hermes Sports & Events on November 23,

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

Passed March 6, 2006.

Effective March 10, 2006.

**COUNCIL COMMITTEE MEETINGS**

**Monday, March 13, 2006**

**9:30 a.m.**

**Public Parks, Property and Recreation Committee:** Present: Johnson, Chair; White, Vice Chair; Cummins, Kelley, Polensek. *Authorized Absence:* Brancatelli, Turner. *Pro-tem:* Sweeney.

**11:00 a.m.**

**Legislation Committee:** Present: Cleveland, Chair; Cimperman, Lewis, White, Pierce Scott. *Authorized Absence:* Dolan, Vice Chair; Reed. *Pro-tem:* Sweeney.

**2:00 p.m.**

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

**Wednesday, March 15, 2006**

**1:00 p.m.**

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

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