

The City Record

Official Publication of the Council of the City of Cleveland



February the Eighth, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Phyllis E. Cleveland.....	2369 East 36th Street	44105
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1138 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Joseph Santiago.....	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook.....	1278 West 103rd Street	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of 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 – Randell T. Scott, Commissioner, Room 25
 Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
 Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – 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. Danieli, 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: Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, FEBRUARY 8, 2006

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CITY COUNCIL

MONDAY, FEBRUARY 6, 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:

Personnel and Operations Committee:

Mayor's Appointment Committee:

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 6, 2006

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

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

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Reverend June Begany, Pastor of Old Stone Church, located at 91 Public Square in Ward 13. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1290-05-B.

Response from property owners objecting to Resolution No. 1290-05 — assessment notice. Received.

File No. 208-06.

From Division of Purchases and Supplies — Mayor's Emergency Requisition — emergency repairs to Convention Center Ballroom Exit Doors. Received.

File No. 209-06.

From FirstEnergy, Letter of Notification, Extension of the Hardin-Jennings 138 kV Transmission Lines, From Jennings Substation to the Steelyard Commons Substation. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 210-06.

Re: New Application — 2714703 — 5105 Franklin Ave., Inc., 5105 Franklin Avenue. (Ward 17). Received.

File No. 211-06.

Re: Transfer of Ownership Application — 9949500 — Tyler Britton Zinn, d.b.a. Moe's Bar and Grill, 1740 East 17th Street, first floor and basement. (Ward 13). Received.

File No. 212-06.

Re: Transfer of Ownership Application — 7150783 — R. & R. Cleveland, Inc., 5517 Memphis Avenue. (Ward 16). Received.

File No. 213-06.

Re: Transfer of Ownership and Location Application — 3019386 — Beverly Galloway, 907 East 105th Street. (Ward 8). Received.

OATH OF OFFICE

File No. 214-06.

Debra Linn Talley — oath of office — Executive Assistant, Director of Equal Opportunity. Received.

File No. 215-06.

Barry Withers — oath of office — Special Assistant to the Mayor, Employee Services. Received.

File No. 216-06.

Natoya Walker — oath of office — Special Assistant to the Mayor, Public Affairs. Received.

File No. 217-06.

Trudy Hutchinson — oath of office — Director of Personnel and Human Resources. Received.

File No. 218-06.

Angel Guzman — oath of office — Director of Consumer Affairs. Received.

File No. 219-06.

Michael Cox — oath of office — Interim Director of Parks, Recreation and Properties. Received.

File No. 220-06.

Antoinette Thompson — oath of office — Secretary to the Director of Parks, Recreation and Properties, Assistant Director of Parks, Recreation and Properties. Received.

File No. 221-06.

Kim Johnson — oath of office — Interim Commissioner of Recreation. Received.

PLATS**File No. 222-06.**

Dedication of the N.W. Corner of East 93rd Street.

Approved by Committees on Public Service and City Planning.

CONDOLENCE RESOLUTION

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

Res. No. 223-06 — Margaret Ruth Blair.

CONGRATULATION RESOLUTIONS

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

Res. No. 224-06—Linda Carlisle.

Res. No. 225-06—Roger Oatman.

Res. No. 226-06—Elbert E. Jameron.

Res. No. 227-06 — Elder Sarah B. Eberhardt Byrd.

Res. No. 228-06 — Deacon Madison B. Lester.

Res. No. 229-06 — Deacon David Perry.

RESOLUTION OF RECOGNITION

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

Res. No. 230-06—Scott K. Jordan.

RESOLUTION OF APPRECIATION

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

Res. No. 231-06—Barbara Byrd-Bennett.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 191-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of AutoCAD computer program upgrades including maintenance and support for a period of one year, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

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

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 157739)

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

Section 4. The Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

Ord. No. 192-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1863-05, passed October 17, 2005, relating to a contract with Imperial Parking Company for the purchase of parking spaces located in the garage adjacent to the 205 St. Clair building.

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

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

Section 1. That the title and Section 1 of Ordinance 1863-05, passed October 17, 2005, is amended to read as follows:

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with Imperial Parking Company for the purchase of not to exceed **twenty-one** parking spaces located in the garage adjacent to the 205 St. Clair building, for the **Divisions of Information Technology and Services and Taxation**, Department of Finance, for a period of one year, with two one-year options to renew.

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Imperial Parking Company. Therefore the Director of Finance is authorized to make one or more written contracts with Imperial Parking Company for not to exceed **twenty-one** parking spaces, with two parking spaces reserved for the exclusive use of the Cleveland City Council Archives staff, located in the garage adjacent to the 205 St. Clair building, to be purchased by the Commissioner of Purchases and Supplies, for the **Divisions of Information Technology and Services and Taxation**, Department of Finance, for a period of one year with two consecutive one-year options to renew, exercisable by the Director of Finance.

Section 2. That the existing title and Section 1 of Ordinance No. 1863-05, passed October 17, 2005, is repealed.

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

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

Ord. No. 193-06.
By Council Members Cimperman, Lewis, Pierce Scott, Brady and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Service to enter into a Local Project Administration Agreement with Ohio Department of Transportation to partially fund rehabilitating a portion of St. Clair Avenue; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts to construct the improvement; and to employ one or more professional consultants necessary to design the improvement.

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

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

Section 1. That the Director of Public Service is authorized to enter into a Local Project Administration ("LPA") agreement with the Ohio Department of Transportation to partially fund a portion of St. Clair Avenue; determining the method of making the public improvement; to employ one or more professional consultant necessary to design the improvement; and authorizing the Director to enter into one or more public improvement contracts to construct the improvement.

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating a portion of St. Clair Avenue from E. 55th Street to E. 72nd Street (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 3. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Service from a list of qualified consultants available for employment as

may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

Section 5. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, and from the fund or funds to which are credited the proceeds of the Local Project Agreement authorized in this ordinance, Request No. 166652.

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. 194-06.
By Council Members Brady and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of gasoline-transport and tankwagon, for the Division of Motor Vehicle Maintenance, Department of Public Service for a period of one year, with one option to renew for one additional year.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of gasoline, transport and tankwagon, in the approximate amount as purchased during the preceding term, with one (1) option exercisable by the Director of Public Service, to renew for an additional one year term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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 154365)

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. 195-06.
By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Building and Housing to apply for and accept a grant from Neighborhood Progress Inc. to evaluate and analyze the operations of the Department of Building and Housing; and authorizing the Director to enter into one or more contracts with The Lean Firm for professional services necessary to implement the grant.

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

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

Section 1. That the Director of Building and Housing is authorized to apply for and accept a grant in the amount of \$25,000.00, from Neighborhood Progress Inc. to evaluate and analyze the operations of the Department of Building and Housing; 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 this purpose.

Section 2. That, provided the City of Cleveland receives the grant described in this ordinance, the Director of Building and Housing is authorized to enter into one or more contracts with The Lean Firm for professional services necessary to evaluate and analyze the

processes and operations of the Department of Building and Housing to assist the Department in determining its future operations and procedures.

Section 3. That, provided the City of Cleveland receives the grant described in this ordinance, the cost of the contract or contracts shall be paid from the fund or funds which are credited the proceeds of the grant accepted in this ordinance and from Fund No. 01-850101-632000, RL 146654.

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

Ord. No. 196-06.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1271-05, passed October 17, 2005, to acquire properties at the intersection of East 4th Street and Euclid Avenue and authorizing the Commissioner of Purchases and Supplies to convey the properties to 410 Euclid, LLC.

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

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

Section 1. That Section 1 of Ordinance No. 1271-05, passed October 17, 2005, is amended to read as follows:

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

FIRST FLOOR PARCEL

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being all of Block "A" as shown by the Map of Lot Consolidation for 410 Euclid, LLC, of a part of Original Two Acre Lot Nos. 90, 91, 102 and 103, as shown by plat recorded in Volume 343 of Maps, Page 32 of Cuyahoga County Records, bounded and described as follows:

Beginning on the southerly line of Euclid Avenue, 99 feet in width, at its intersection with the easterly line of East 4th Street, 40 feet in width;

Course No. 1: thence North 80°-06'-53" East along said southerly line of Euclid Avenue, 179.84 feet to the

northwesterly corner of Block A-1, as shown by the Map of Lot Split and Consolidation for Colonial Market Place, LLC and Dollar Bank, Federal Saving Bank as Successor to Cleveland Federal Savings and Loan Association of Cuyahoga County, of part of Original Two Acre Lot Nos. 91, 92, 102, 103 and 104, as shown by the plat recorded in Volume 307 of Maps, Page 74 of Cuyahoga County Records, being also the northwesterly corner of land conveyed to Colonial Market Place, LLC, by deed dated September 4, 1998 and recorded in Volume 98-11545, Page 26 of Cuyahoga County Records;

Course No. 2: thence South 9°-53'-07" East along the westerly line of Block A-1 in said Map of Lot Split and Consolidation, 198.00 feet to an inner corner thereof;

Course No. 3: thence South 78°-53'-26" West along the northerly line of said Block A-1, 30.09 feet to the southeasterly corner of land conveyed to 2037 East Fourth LTD., by deed dated December 17, 2002 and recorded in Instrument AFN, 200212201396 of Cuyahoga County Records;

Course No. 4: thence North 9°-53'-07" West along the easterly line of land so conveyed 2037 East Fourth LTD., 99.64 feet to the northeasterly corner thereof;

Course No. 5: thence South 80°-06'-53" West along the northerly line of land so conveyed to 2037 East Fourth LTD., 146.39 feet to a point in the aforementioned easterly line of East 4th Street;

Course No. 6: thence North 11°-49'-57" West along said easterly line of East 4th Street, 99.06 feet to the place of beginning, containing 20,625 square feet, having lower elevations of 663.70, 663.80 and 664.30 feet and upper elevations of 680.40, 681.30 and 682.40 feet, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 2005, be the same more or less.

The intent of the above legal description is to include all portions of the stairs, elevators and buildings, which may be near or over the property line.

The bearings used herein are based on an assumed meridian and are used to denote angles only.

BASEMENT FLOOR PARCEL

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being all of Block "A" as shown by the Map of Lot Consolidation for 410 Euclid, LLC, of a part of Original Two Acre Lot Nos. 90, 91, 102 and 103, as shown by plat recorded in Volume 343 of Maps, Page 32 of Cuyahoga County Records, bounded and described as follows:

Beginning on the southerly line of Euclid Avenue, 99 feet in width, at its intersection with the easterly line of East 4th Street, 40 feet in width;

Course No. 1: thence North 80°-06'-53" East along said southerly line

of Euclid Avenue, 179.84 feet to the northwesterly corner of Block A-1, as shown by the Map of Lot Split and Consolidation for Colonial Market Place, LLC and Dollar Bank, Federal Saving Bank as Successor to Cleveland Federal Savings and Loan Association of Cuyahoga County, of part of Original Two Acre Lot Nos. 91, 92, 102, 103 and 104, as shown by the plat recorded in Volume 307 of Maps, Page 74 of Cuyahoga County Records, being also the northwesterly corner of land conveyed to Colonial Market Place, LLC, by deed dated September 4, 1998 and recorded in Volume 98-11545, Page 26 of Cuyahoga County Records;

Course No. 2: thence South 9°-53'-07" East along the westerly line of Block A-1 in said Map of Lot Split and Consolidation, 198.00 feet to an inner corner thereof;

Course No. 3: thence South 78°-53'-26" West along the northerly line of said Block A-1, 30.09 feet to the southeasterly corner of land conveyed to 2037 East Fourth LTD., by deed dated December 17, 2002 and recorded in Instrument AFN, 200212201396 of Cuyahoga County Records;

Course No. 4: thence North 9°-53'-07" West along the easterly line of land so conveyed 2037 East Fourth LTD., 99.64 feet to the northeasterly corner thereof;

Course No. 5: thence South 80°-06'-53" West along the northerly line of land so conveyed to 2037 East Fourth LTD., 146.39 feet to a point in the aforementioned easterly line of East 4th Street;

Course No. 6: thence North 11°-49'-57" West along said easterly line of East 4th Street, 99.06 feet to the place of beginning, containing 20,625 square feet, having lower elevations of 651.00, 650.18 and 650.00 feet and upper elevations of 663.70, 663.80 and 664.30 feet, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 2005, be the same more or less.

The intent of the above legal description is to include all portions of the stairs, elevators and buildings, which may be near or over the property line.

The bearings used herein are based on an assumed meridian and are used to denote angles only.

SECOND FLOOR AND ABOVE PARCEL

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being all of Block "A" as shown by the Map of Lot Consolidation for 410 Euclid, LLC, of a part of Original Two Acre Lot Nos. 90, 91, 102 and 103, as shown by plat recorded in Volume 343 of Maps, Page 32 of Cuyahoga County Records, bounded and described as follows:

Beginning on the southerly line of Euclid Avenue, 99 feet in width, at its intersection with the easterly line of East 4th Street, 40 feet in width;

Course No. 1: thence North 80°-06'-53" East along said southerly line of Euclid Avenue, 179.84 feet to the northwesterly corner of Block A-1, as shown by the Map of Lot Split and Consolidation for Colonial Market Place, LLC and Dollar Bank, Federal Saving Bank as Successor to Cleveland Federal Savings and Loan Association of Cuyahoga County, of part of Original Two Acre Lot Nos. 91, 92, 102, 103 and 104, as shown by the plat recorded in Volume 307 of Maps, Page 74 of Cuyahoga County Records, being also the northwesterly corner of land conveyed to Colonial Market Place, LLC, by deed dated September 4, 1998 and recorded in Volume 98-11545, Page 26 of Cuyahoga County Records;

Course No. 2: thence South 9°-53'-07" East along the westerly line of Block A-1 in said Map of Lot Split and Consolidation, 198.00 feet to an inner corner thereof;

Course No. 3: thence South 78°-53'-26" West along the northerly line of said Block A-1, 30.09 feet to the southeasterly corner of land conveyed to 2037 East Fourth LTD., by deed dated December 17, 2002 and recorded in Instrument AFN. 200212201396 of Cuyahoga County Records;

Course No. 4: thence North 9°-53'-07" West along the easterly line of land so conveyed 2037 East Fourth LTD., 99.64 feet to the northeasterly corner thereof;

Course No. 5: thence South 80°-06'-53" West along the northerly line of land so conveyed to 2037 East Fourth LTD., 146.39 feet to a point in the aforementioned easterly line of East 4th Street;

Course No. 6: thence North 11°-49'-57" West along said easterly line of East 4th Street, 99.06 feet to the place of beginning, containing 20,625 square feet, having lower elevations of 680.40, 681.30 and 682.40 feet and no upper limits, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 2005, be the same more or less.

The intent of the above legal description is to include all portions of the stairs, elevators and buildings, which may be near or over the property line.

The bearings used herein are based on an assumed meridian and are used to denote angles only.

Section 2. That existing Section 1 of Ordinance No. 1271-05, passed October 17, 2005, is repealed.

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

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

Ord. No. 197-06.

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

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

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with PerceptIS, LLC to provide economic development assistance to partially finance the build-out of a new enterprise service center and to purchase equipment for the facility and all other associated costs necessary to redevelop the property located at 1228 Euclid Avenue.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 197-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), and shall be paid from Fund Nos. 17 SF 008 and 12 SF 954, which funds are appropriated for this purpose, Request No. 103689.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006 and 12 SF 958.

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

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

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to

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

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

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

Ord. No. 198-06.

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

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

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$210,440.98, and any other funds that may become available during the grant term from Cuyahoga County Department of Senior and Adult Services to conduct the Chore Services Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the Summary for the grant contained in the file described below.

Section 2. That the Summary for the grant, File No. 198-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 199-06.

By Council Member Cimperman.

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

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

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

Beginning in the centerline of Saint Clair Avenue (50 feet wide) at its intersection with the centerline of Old River Road (West 11th Street);

Thence Northwesterly along the centerline of Old River Road approximately 82.77 feet to its intersection with the Northeasterly prolongation of the Northerly line of Cuyahoga County Auditor's permanent parcel number (PPN) 101-13-018;

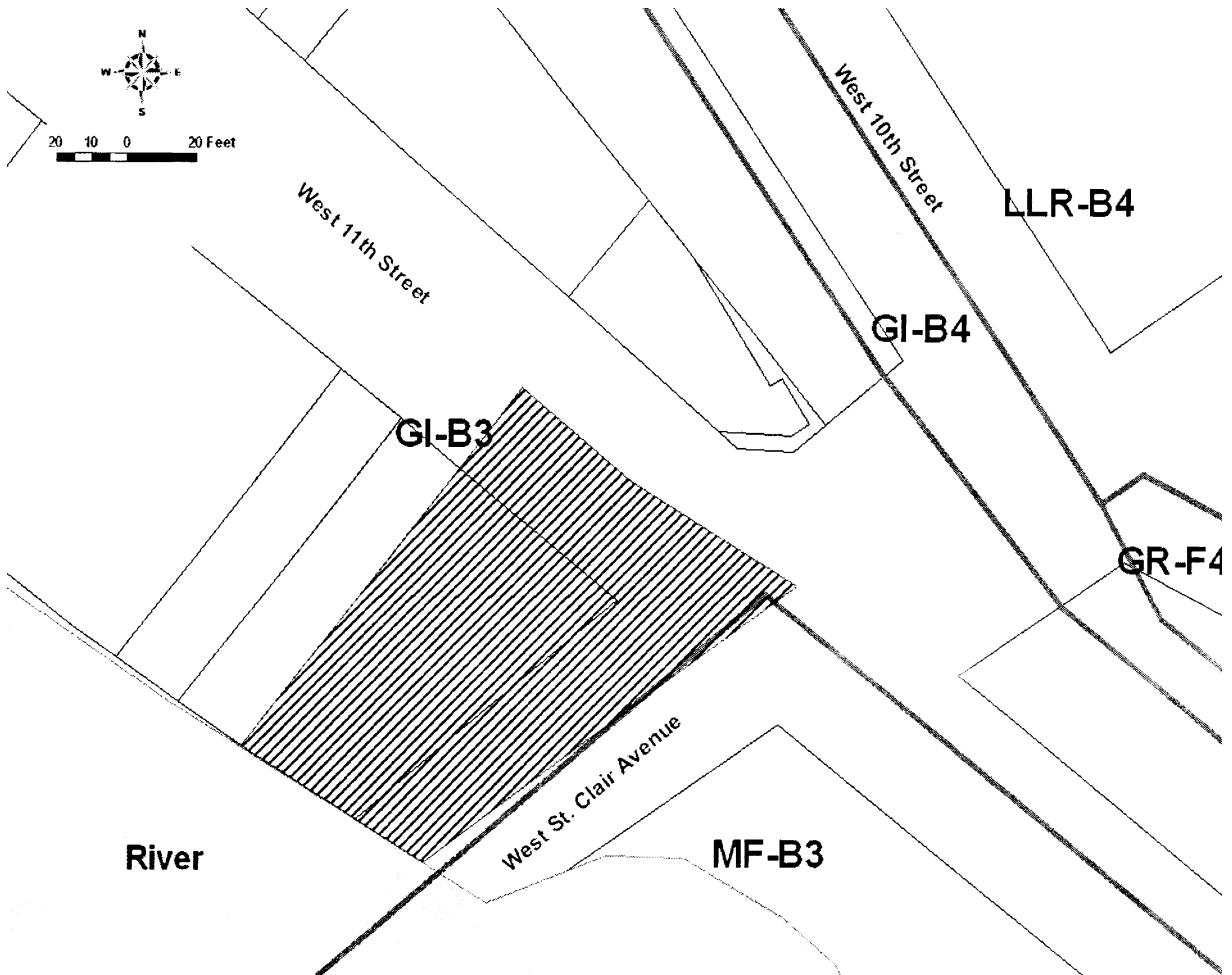
Thence Southwesterly along said Northerly line of said PPN 101-13-018 in a straight line to the centerline of the Cuyahoga River;

Thence Southeasterly along said centerline of the Cuyahoga River approximately 45.16 feet to its intersection with the Southwesterly prolongation of the centerline of Saint Clair Avenue;

Thence Northeasterly along said prolongation and centerline of Saint Clair Avenue to its intersection with Old River Road and the principal place of beginning; and shaded on the attached map is changed to a General Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2174, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Referred to Directors of City Planning Commission, Law; Committee on City Planning.

Ord. No. 200-06.

By Council Member Santiago.

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

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

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

Beginning at the centerline of Fulton Road and its intersection with the centerline of Meyer Avenue;

Thence Northeasterly along the centerline of Fulton Road to its intersection with the Northwesterly prolongation of the Northerly line of Sublot No. 3 in the G.E. & G.L. Hartnell Subdivision as shown by the recorded plat in Volume 5 of Maps and Page 35 of Cuyahoga County Records (said parcel also being known as PPN 007-31-005);

Thence Southeasterly along said Northerly line to its intersection with the Easterly line of said Sublot No. 3;

Thence Southerly along said Easterly line of Sublot No. 3, continuing along the Easterly line of Sublot No. 8 and its Southerly prolongation to its intersection with the centerline of Meyer Avenue;

Thence Northwesterly along said centerline of Meyer Avenue to its intersection with the centerline of Fulton Road and the principal place of beginning.

and as outlined and shaded on the attached map is changed to an RA2 Townhouse District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2173, Sheet No. 2, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Referred to Directors of City Planning Commission, Law; Committee on City Planning.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**Ord. No. 201-06.****By Council Member Sweeney.****An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 353-05, passed March 7, 2005, relating to fees for publications and services.**

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

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

Section 1. That Section 113.12 of the Codified Ordinances of the City of Cleveland, 1976, as amended by Ordinance No. 353-05, passed March 7, 2005, is hereby amended to read as follows:

Section 113.12 Fees for Publications and Services

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance publications reflecting amendments passed by Cleveland City Council through June 10, 2003:

<u>Unit</u>	<u>Cost</u>
Charter	\$ 7.03
Part I. Administrative Code	\$ 28.10
Part II. Health Code	\$ 17.04
Part III. Land Use Code, Planning and Housing	\$ 14.94
Part III. Zoning Code	\$ 10.40
Part III. Land Use Code, Housing Code	\$ 14.25
Part III. Land Use Code, Fire Prevention Code	\$ 19.60
Part III. Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 28.10
Part VI. Offenses and Business Activities Code	\$ 19.75
Complete Set	\$323.12

A complete set of the Codified Ordinances includes the Charter and all Parts, the General Index, User's Guide, tabbed dividers and binder.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the previous 12 months.

(c) The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from **January 1, 2005 through December 31, 2005**:

<u>Supplement Unit</u>	<u>Cost</u>
Charter	\$ 12.95
Part I.	\$ 19.76
Part II.	\$ 14.75
Part IIIa.	\$ 12.95
Part IIIb.	\$ 6.15
Part IIIc.	\$ 14.00
Part IIId.	\$ 12.95
Part IIIe.	\$ 7.00
Part IV.	\$ 4.70
Part V.	\$ 16.55
Part VI.	\$ 8.75
Complete Bound Set	\$113.75

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with divisions (a) and (c) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

Section 2. That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 353-05, passed March 7, 2005, is hereby repealed.

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

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

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

Ord. No. 202-06.**By Council Member Britt.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cleveland Restoration Society to stretch a banner across the intersection of Carnegie and Stokes Boulevard, for the period from February 7, 2006 to March 7, 2006, inclusive, publicizing the 2006 Annual Benefit and Silent Auction at John Hay High School.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove a banner across the intersection of Carnegie and Stokes Boulevard for the period from February 7, 2006 to March 7, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 203-06.**By Council Member Cleveland.**

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Sylvester Hardy)

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Sylvester Hardy.

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

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

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

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

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

Ord. No. 204-06.**By Council Members Cimperman and Sweeney.**

An emergency ordinance authorizing the Director of Finance to provide payment to the Greater Cleveland Partnership to assist with the efforts of the Cleveland Defense Industry Alliance to retain the Defense Department's Defense Finance and Accounting facility in the City of Cleveland.

Whereas, in May, 2004, the Department of Defense recommended that the Defense Finance and Accounting (DFAS) facility in Cleveland be closed; and

Whereas, after this announcement, the Greater Cleveland Partnership created the Cleveland Defense Industry Alliance in an effort to convince the Department of Defense and the Base Closure and Realignment Commission to maintain a DFAS facility in Cleveland;

Whereas, the Cleveland Defense Industry Alliance has been supported financially by the State of Ohio, the Cuyahoga County Board of Commissioners and the business community in its efforts to keep the DFAS Cleveland facility open; and

Whereas, the Cuyahoga County Board of Commissioners has agreed to provide an additional \$25,000, if the City of Cleveland would match that contribution; and

Whereas, maintaining a DFAS facility in Cleveland is essential to the economic future of the City of Cleveland, as it represents more than 1,000 jobs in downtown Cleveland; and

Whereas, DFAS Cleveland has the potential to expand its workforce in the future; and

Whereas, Cleveland City Council agrees that the DFAS Cleveland facility is important to the City's economic vitality and agrees to provide a contribution in order to assist in the efforts to retain the DFAS Cleveland facility in the City; and

Whereas, payment to assist with the efforts to retain the DFAS Cleveland facility is a proper public purpose; and

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

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

Section 1. That the Director of Finance is authorized to provide a payment in an amount not to exceed \$25,000 to the Greater Cleveland Partnership to assist with the efforts of the Cleveland Defense Industry Alliance to retain the Defense Department's Defense Finance and Accounting facility in the City of Cleveland. Said funds shall be paid from Fund 632000-010100-01001. That said director is hereby authorized to execute any documents necessary in order to carry out this transaction.

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

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

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

Ord. No. 205-06.**By Council Member Cimperman.**

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 2159-05 passed December 5, 2005, relating to a grant agreement to assist with costs related to the development of the Ohio and Erie Towpath Trail.

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. 2159-05, passed December 5, 2005, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with **North Cuyahoga Valley Corridor, Inc.** to assist with costs related to the development of the Ohio and Erie Towpath Trail through the City of Cleveland, and promoting the City as a tourist destination along the trail.

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with **North Cuyahoga Valley**

Corridor, Inc. to assist with costs related to the development of the Ohio and Erie Towpath Trail through the City of Cleveland, and promoting the City as a tourist destination along the trail.

Section 2. That the existing Title and Section 1 of Ordinance No. 2159-05, passed December 5, 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.

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

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

Ord. No. 206-06.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into contract or contracts with Fathom IT Solutions, Inc. professional services to implement changes to the computer network infrastructure and servers in Cleveland City Council, to document technical infrastructure and migration, and to provide all related technical network infrastructure and computer services for Cleveland City Council.

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 Clerk of Council is hereby authorized to enter into a contract or contracts with Fathom IT Solutions, Inc. for the professional services necessary to implement changes to the computer network infrastructure and servers in Cleveland City Council, to document technical infrastructure and provide general training and migration, and to provide all related technical network infrastructure and computer services for Cleveland City Council. Said agreement shall be for a period of one year, commencing upon the execution of such agreement, with two options, exercisable by the Clerk of Council, to renew all or any portion of these services for additional one-year periods, and cancellable upon thirty days written notice by the Clerk of Council.

Section 2. That the cost of said contract or contracts shall be payable from Fund No. 11006.

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.

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

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

FIRST READING EMERGENCY RESOLUTION READ IN FULL AND ADOPTED

Res. No. 207-06.

By Council Member Zone.

An emergency resolution objecting to a New C1 Liquor Permit at 5105 Franklin Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 5105 Franklin Avenue, Inc., 5105 Franklin Avenue, Cleveland, Ohio 44102, Permanent Number 2714703; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 5105 Franklin Avenue, Inc., 5105 Franklin Avenue, Cleveland, Ohio 44102, Permanent Number 2714703; 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1867-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of cellular wireless and paging equipment, including maintenance, training, and monthly and maintenance services, including installation, if necessary, for the Division of Information Technology and Services, Department of Finance, for a period of one year with two one-year options to renew.

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

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

Ord. No. 2208-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Medical Mutual to encroach into the public right-of-way of East 9th Street and Prospect Avenue by installing, using, and maintaining planter boxes, planting beds and other streetscape obstructions to be approved by the Director of Public Service.

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

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

Ord. No. 157-06.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2231-05, passed December 5, 2005; to supplement the ordinance by adding new Sections 2, 3, 4, 5, 6, 7, 8, and 9; and renumbering existing Sections 2 and 3 to new Sections 10 and 11, sending Department of Public Utilities' employees to the State of Louisiana to assist with restoring utilities to flood-damaged areas.

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

1. In Section 1, in the amended title, lines 1, 5 and 6, after "authorizing the" insert **"Mayor and/or the"** in all three places.

2. In Section 1, in amended Section 1, line 1; and in line 7, strike "Director of Public Utilities is" and insert in both places **"Mayor and/or the Director of Public Utilities are"**.

3. In Section 1, in amended Section 1, lines 6 and 7, strike ", during the estimated timeframe of January 13, 2006 until May 31, 2006".

4. After Section 4, add new Section 5 to read as follows:

"Section 5. That in the event that the Mayor and/or the Director of Public Utilities are unable by June 12, 2006 to execute the papers and documents necessary to secure a commitment of funding for this work from the United States of America as described in Section 1, then this ordinance shall expire and be of no further force and effect."

5. Renumber existing Section 5 to new **"Section 6"**.

Amendments agreed to.

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

LAID ON THE TABLE

Ord. No. 2931-89.

By Council Members Polensek, Smith, Woods and Forbes (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies and the Director of Public Utilities to lease City-owned land no longer needed for public use located adjacent to the Nottingham Water Treatment Plant to Edward S. Fadel.

Ord. No. 1209-03.

By Council Member Britt.

An emergency ordinance to vacate a portion of Reserve Court N.E. hereinafter described.

Ord. No. 1354-03.

By Council Member Coats.

An emergency ordinance rescinding the designation of Memorial School as a Cleveland landmark.

Ord. No. 1865-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with E-Command for professional services necessary to continue to host and support the City's web site, for a period of one year, or until the transition to the City's new web hosting service is ready to be implemented, whichever is sooner.

Without objection, Ordinance No. 2931-89, Ordinance No. 1209-03, Ordinance No. 1354-03 and Ordinance No. 1865-05 were relieved of further con-

sideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 2931-89, Ordinance No. 1209-03, Ordinance No. 1354-03 and Ordinance No. 1865-05 laid on the table.

Council Member Westbrook entered the meeting.

MOTION

The Council Meeting adjourned at 7:35 p.m. to meet Monday, February 13, 2006 at 7:30 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

February 1, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 1, 2006, at 10:30 a.m. with Director Triozzi presiding.

Present: Director Triozzi, Interim Directors Ciaccia, Mok, Wasik, Carroll, Acting Interim Director Smith, Interim Directors Thompson, Rush, Director Hutchinson, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Absent: Mayor Jackson.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 30-06.

By Interim Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2006 in the amount of \$8,128.93 attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Director Triozzi, Interim Directors Ciaccia, Mok, Wasik, Carroll, Acting Interim Director Smith, Interim Directors Thompson, Rush,

Director Hutchinson, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 31-06.

By Interim Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that all bids received on January 20, 2006 for the purchase of an estimated quantity of keys, locks, and hardware, all items, for the various divisions of City government, under the authority of Ordinance No. 547-05, passed by the Council of the City of Cleveland on April 11, 2005 are rejected.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 32-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hi-Lite Markings, Inc. for labor and materials necessary to remove rubber and any other contaminants from paved surfaces, all items, for the various divisions of the Department of Port Control, for the period of two years, beginning with the date of execution of a contract, received on October 26, 2005, under the authority of Ordinance No. 817-05, passed on May 23, 2005, which on the basis of the estimated quantity would amount to \$283,200.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 158608

which shall be certified against such contract in the sum of \$55,000.00.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 33-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Sauber Mfg. Co. for an estimated quantity of pole trailers (dinkeys), for the various divisions of City government, for the period of one year beginning with the date

of execution of a contract, received on November 30, 2005, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$27,600.00 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154359

which shall be certified against the contract in the sum of \$27,600.00.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 34-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Mavron, Inc. for an estimated quantity of prisoner van interiors (all items), for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on December 9, 2005, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$96,860.00 (2%-10), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154380

which shall be certified against the contract in the sum of \$96,860.00.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 35-06.

By Interim Director Thompson.

Whereas, by Resolution No. 117-03, adopted on February 26, 2003, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio, 1976, this Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and

Whereas, the City of Cleveland will sponsor Senior Day 2006 to be held on May 18, 2006; and

Whereas, Senior Day 2006 is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that notwithstanding and as an exception to the terms of Resolution No. 117-03, adopted by this Board of Control on February 26, 2003, the use of the space at the Cleveland Convention Center for Senior Day 2006, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to Senior Day 2006 by the Cleveland Convention Center be charged at the prevailing rate to the Department of Aging.

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

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

TUESDAY, FEBRUARY 21, 2006

9:30 A.M.

Calendar No. 06-12: 1112 Clifton Boulevard (Ward 18)

Clifton Management LLC, owner, and Gene Elbert, tenant, appeal to change the use of a first floor retail store to an ice cream shop in an existing mixed use building, situated on a 75' x 175' parcel located in a Multi-Family District on the north side of Clifton Boulevard at 1112 Clifton Boulevard; contrary to Section 349.04(f), no off-street parking is provided and two spaces are credited where four spaces are required; and the substitution of an existing nonconforming use requires the Board of Zoning Appeals approval, as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 06-13: 211 Prospect Avenue (Ward 13)

Downtown Buildings LLC, owner, and MRN, Ltd., appeal to demolish an existing two-story retail structure and construct a surface parking lot in its place, situated on a 35' x 84' corner parcel located in a General Retail Business District on the northeast corner of Prospect Avenue and East 3rd Street at 211 Prospect Avenue; where the proposed project is located within a designated downtown district, and Section 349.14(d) requires City Planning Commission approval where the surface parking lot is prohibited by the Regulations of Section 349.14, although the Board of Zoning Appeals may grant a variance, but only if it determines that denial of the variance would deprive the property owner of all reasonable economic use of the subject property, as stated in Section 349.14(g) of the Codified Ordinances.

Calendar No. 06-14: 10510 Park Lane (Ward 6)

PLY Associates, LP, owner, appeal to renovate an existing apartment six-story brick apartment building to accommodate a restaurant, construct a condominium and retail stores, and a parking garage, situated on a 200' x 262' corner parcel located in a Multi-Family District on the southeast corner of Park Lane and East 105th Street at 10515 Park Lane; subject to the limitations of Section 337.08 where retail stores and restaurants are not permitted in a Multi-Family District but are first permitted in a Local Retail Business District; and contrary to Sections 357.09(b)(2)C, an interior side yard of 3' is proposed and no interior side yard may be less than one-fourth the height of the main building or approximately 16' and instead of 180 square feet, parking spaces measure approximately 146 square feet, contrary to Section 325.03 of the Codified Ordinances.

Calendar No. 06-15: 818 East 185th Street (Ward 11)

East 185th Street Properties LLC, owner, and Northshore Café's, Inc., tenant, appeal to add live entertainment to the use in a first floor space of an existing café/restaurant, situated on a 22' x 122' parcel in a Local Retail Business District on the west side of East 185th Street at 818 East 185th Street; the proposed addition of live entertainment being first permitted in a General Retail District and subject to the limitations for a Local Retail District, as stated in Sections 343.01(b)(2)(F) of the Codified Ordinances.

Calendar No. 06-17: 3749 East 142nd Street (Ward 3)

Baldeep Grewal, owner, appeals to change the use of a 22' x 97' one-story masonry building from a laundromat to a day care facility, situated on a 70' x 212' corner parcel in an A1 One-Family District on the southeast corner of at 142nd Street and Bartlett Avenue at 3749 East 142nd Street; the proposed change of use being subject to the Residential Districts Regulations, where by reference a day care and its uses, if located less than 30' from any Residence District not used for a similar purpose, require the Board of Zoning Appeals approval as stated in Section 337.02(f)(3)(c) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 6, 2006

At the meeting of the Board of Zoning Appeals on Monday, February 6, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-4: 2919 East 37th Street

Charles Whitfield appealed to erect a 2,046 square foot addition to a concrete building and establish use as a warehouse and fabricating shop in a Semi-Industry District; subject to conditions.

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.

Calendar No. 05-162: 2603 Scranton Road

Eugene Staiger, owner, and Rebecca Riker, tenant, appealed to extend the use of a dog day care business to include a rear 30' portion of a parcel in split zoning between Semi-Industry and Multi-Family Districts.

Calendar No. 05-302: 1623 Allman Court

Eugene Staiger, owner, and Rebecca Riker, tenant, appealed to use an "L" shaped parcel in a Multi-Family District as an accessory outside area for a dog day care business.

The following appeals were **Denied:**

Calendar No. 06-2: Appeal of Kashmir Singh

Kashmir Singh appealed from the suspension of a City of Cleveland Hack License.

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

Joseph Singh appealed from the suspension of a City of Cleveland Hack License.

Calendar No. 06-8: Appeal of Sucha Singh

Sucha Singh appealed from the suspension of a City of Cleveland Hack License.

The following appeals were **Postponed:**

None.

In Executive Session on February 6, 2006, the following appeals heard by the Board on January 30, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-392: 779 Linn Drive
Glenville Homes III, LP appealed to erect a two-story single family residence and detached garage in a Multi-Family District.

Calendar No. 05-393: 11208 Greenville Avenue

Glenville Homes III, LP appealed to erect a two-story single family residence with an attached garaged in a Two-Family District.

Calendar No. 05-369: 2317 West 5th Street

George Martinek, owner, and Ryan Wach, prospective purchaser, appealed to erect a four-story single family dwelling in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 05-394: 3451 West 150th Street

Frederick Leonard appealed from the decision of the City Planning Commission, issued under Section 337.25(b) of the Cleveland Codified Ordinances, to disapprove an application to erect a single family residence with an attached garage.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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, FEBRUARY 16, 2006

Keys, Locks & Hardware (Re-bid), for the various divisions of City Government, Department of Finance, as authorized by Ordinance No.

547-05, passed by the Council of the City of Cleveland, April 11, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, FEBRUARY 10, 2006 AT 10:00 A.M., CITY HALL, DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 1, 2006 and February 8, 2006

FRIDAY, FEBRUARY 17, 2006

Rehabilitation of Main Sewers and Sewer Connections, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 811-05, passed by the Council of the City of Cleveland, June 6, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 10, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

February 1, 2006 and February 8, 2006

WEDNESDAY, FEBRUARY 22, 2006

Fencing and Gates, Including Labor and Materials for Repair and Installation, if Necessary, for the various divisions, Department of Port Control, as authorized by Ordinance No. 1874-05, passed by the Council of the City of Cleveland, October 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 10, 2006 AT 10:00 A.M., 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44108.

February 1, 2006 and February 8, 2006

THURSDAY, FEBRUARY 23, 2006

Elevator Improvement at 205 St. Clair, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 69-04, passed by the Council of the City of Cleveland, January 12, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 9, 2006 AT 2:00 P.M., INFORMATION TECHNOLOGY & SERVICE BUILDING, 205 WEST CLAIR AVENUE, CLEVELAND, OHIO 44113.

February 1, 2006 and February 8, 2006

FRIDAY, FEBRUARY 24, 2006

Deicing Disposal Facility Common Use Pad, Phase III WBS No. G-330-3.2, for the Department of Port Control, as authorized by Ordinance No. 465-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-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 **MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 10, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S ENGINEERING BUILDING PMT CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

Ductile Iron Pipe and Fittings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 9, 2006 AT 10:30 A.M., DIVISION OF WATER-DISTRIBUTION & MAINTENANCE, 4600 HARVARD AVENUE, 2ND FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44105.

February 1, 2006 and February 8, 2006

THURSDAY, FEBRUARY 23, 2006

Labor and Materials Necessary to Service and Maintain Elevators, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1830-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 17, 2006 AT 3:00 P.M., 3RD DISTRICT, 1ST FLOOR COMMUNITY ROOM, 2001 PAYNE AVENUE, CLEVELAND, OHIO 44114.

Cold Mix Material, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1876-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 17, 2006 AT 10:00 A.M., DIVISION OF STREETS, ROOM 25, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

SSI Tack Coat, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1877-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 17, 2006 AT 10:30 A.M., DIVISION OF STREETS, ROOM 25, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 8, 2006 and February 15, 2006

FRIDAY, FEBRUARY 24, 2006

Various Delco and Leece Neville Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 16, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Various Vehicle Remanufactured Transmission Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 16, 2006 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Standard Wire, for the Various Divisions City Government, Department of Finance, as authorized by Ordinance No. Pending Passage.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 16, 2006 AT 10:00 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 8, 2006 and February 15, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 170-06.

By Council Member Britt.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 7819-21 Cedar 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 Naameh Hammad, DBA White Front Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 3554828 to 7819-21 Cedar Avenue

Corp., DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 8003657; 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 Naameh Hamad, DBA White Front Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 3554828 to 7819-21 Cedar Avenue Corp., DBA White Front Food Market, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 8003657; 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 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 January 30, 2006.

Effective January 31, 2006.

Res. No. 171-06.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 2927 Bridge Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from A & L Restaurants, Inc., DBA Hecks Café, 2927 Bridge Avenue, Cleveland, Ohio 44113, Permanent Number 00104760005 to D & A Restaurants, Inc., DBA Hecks Café, 2927 Bridge Avenue, Cleveland, Ohio 44113, Permanent Number 1883538; 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 D2, D2X, D3, D3A and D6 Liquor Permit from A & L Restaurants, Inc., DBA Hecks Café, 2927 Bridge Avenue, Cleveland, Ohio 44113, Permanent Number 00104760005 to D & A Restaurants, Inc., DBA Hecks Café, 2927 Bridge

Avenue, Cleveland, Ohio 44113, Permanent Number 1883538; 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 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 January 30, 2006.

Effective January 31, 2006.

Res. No. 172-06.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 1150 East 185th Street, and repealing Resolution No. 2214-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Bay Village Julien, Inc., DBA East 185th Street Shell, 1150 East 185th Street, Cleveland, Ohio 44119, Permanent No. 0533622, by Resolution No. 2214-05 adopted by the Council on November 28, 2005; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Bay Village Julien, Inc., DBA East 185th Street Shell, 1150 East 185th Street, Cleveland, Ohio 44119, Permanent Number 0533622, be and the same is hereby withdrawn and Resolution No. 2214-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is 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 January 30, 2006.

Effective January 31, 2006.

Ord. No. 1990-05.**By Council Member Santiago.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Marvin Avenue to Civic Builders.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent No(s). 015-08-144, as more fully described below, to Civic Builders.

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

P. P. No. 015-08-144

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 188 in J.S. Edwards' Subdivision of part of Original Brooklyn Township Lot Nos. 55 and 66, as shown by the recorded plat in Volume 6 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Marvin Avenue, S.W., and extending back of equal width 126 feet to the Southerly line of Woodbridge Court S.W. (14 feet wide) in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary

to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed January 30, 2006.

Effective January 31, 2006.

Ord. No. 2236-05.**By Council Members Kelley, Sweeney and Jackson (by departmental request).**

An emergency ordinance to amend Section 9a of Ordinance No. 294-98, passed April 6, 1998, as amended by Ordinance No. 914-02, passed June 3, 2002, relating to the repair and resurfacing of Ridge Road from Brookpark Road to Denison Avenue to the County of Cuyahoga.

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 9a of Ordinance No. 294-98, passed April 6, 1998, as amended by Ordinance No. 914-02, passed June 3, 2002, is amended to read as follows:

Section 9a. That this Council authorizes payment to the County of Cuyahoga of the City's share of the cost of the improvement, from Fund Nos. 20 SF 312, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 117835.

Section 2. That existing Section 9a of Ordinance No. 294-98, passed April 6, 1998, as amended by Ordinance No. 914-02, passed June 3, 2002, is repealed.

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

Passed January 30, 2006.

Effective January 31, 2006.

Ord. No. 169-06.**By Council Members Johnson and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to extend Contract No. 57261 with AMPCO System Parking on a month-to-month basis, for a period not to exceed four months, for professional services necessary to manage the Gateway East and Gateway North Garages.

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 extend the term of Contract No. 57261 with AMPCO System Parking on a month-to-month-basis, for a period not to exceed four months, to provide professional services necessary to manage the Gateway North and Gateway East Garages. All other terms and conditions of the contract shall remain the same. The contract extension authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 2. That the cost of the contract extension or extensions authorized by this ordinance shall be paid from the fund or funds to which are credited the fees collected from the operation of the Gateway East and Gateway North Garages.

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

Passed January 30, 2006.

Effective January 31, 2006.

COUNCIL COMMITTEE MEETINGS

**Monday, February 6, 2006
11:00 a.m.**

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

2:00 p.m.

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

**Tuesday, February 7, 2006
9:30 a.m.**

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

**Wednesday, February 8, 2006
1:30 p.m.**

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

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O—Ordinance; R—Resolution; F—File
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