

The City Record

Official Publication of the Council of the City of Cleveland



January the Eleventh, 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

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Governmental Affairs
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
Michael A. House, Executive Assistant to the Mayor, Press Secretary
Edwin Nunez, Interim Director, Office of Equal Opportunity

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

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

DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – Douglas Divish, Commissioner, 1404 East 9th Street
Purchases and Supplies – James E. Hardy, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside 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
Correcion – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Antoinette Thompson, Interim Director

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

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

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

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

DEPT. OF ECONOMIC DEVELOPMENT – _____, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Interim Director

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

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

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald 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 Synenber	13C
Judge Pauline H. Tarver	12C
Judge Joseph J. Zone	14D

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 11, 2006

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CITY COUNCIL

MONDAY, JANUARY 9, 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. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

MONDAY

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

TUESDAY

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

1:30 P.M. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

Rules Committee:

Personnel and Operations Committee:

Mayor's Appointment Committee:

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 9, 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, Polensek, Reed, Santiago, Pierce Scott, Sweeney, Turner, Westbrook, 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; Interim Director Nunez, Director Triozzi, Interim Directors Ciaccia, Mok, Wasik, Flask, Thompson, Rush, Redman, Fumich, Taylor, Directors Danieli, Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Sister Alicia Alvarado, OP, Sisters of St. Dominic, Order of Preachers (Dominican). Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 38-06.

From the Finance Department — City of Cleveland Master Swap Policy. Received.

File No. 39-06.

From the Cleveland Public Library — Director's Report, December 15, 2005. Received.

File No. 40-06.

From the Ohio Environmental Protection Agency — Canal Diversion Dam discussion, November 30, 2005. Received.

File No. 41-06.

From Time Warner Cable — Franchise Transfer Acceptance Agreement. Received.

File No. 42-06.

From The United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry — re: Steingass Mechanical Contracting Inc. Received.

File No. 43-06.

From the City of Broadview Heights — copy of Resolution No. 02-34. Received.

File No. 44-06.

From Cleveland Public Power — Annual Report 2002-2003. Received.

File No. 45-06.

From the Cleveland Clinic Health System — Community Outreach Report 2005. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 46-06.

Re: New Application — 0084375 — A.J.S. Enterprises, Inc., d.b.a. Hill Top Deli, 2623 Woodhill Road, first floor. (Ward 6). Received.

File No. 47-06.

Re: New Application — 1172796 — CJS Deli Inc., 8329-31 Superior Avenue, first floor. (Ward 7). Received.

File No. 48-06.

Re: Transfer of Ownership Application — 9116374 — 2101 Denison Inc., 2101 Denison Avenue, first floor and basement. (Ward 15). Received.

File No. 49-06.

Re: Transfer of Ownership Application — 8917290 — 3225 West 73rd Street, Inc., 3225 West 73rd Street, first floor. (Ward 17). Received.

File No. 50-06.

Re: Transfer of Ownership Application — 9120090 — Twin Lanes, LTD, d.b.a. Twin Lanes, 1810-12 East 30th Street, first and second floors. (Ward 13). Received.

File No. 51-06.

Re: Transfer of Ownership Application — 6780430 — Pearl Road Management, Inc., d.b.a. Pearl Road Tavern & Eatery, 4370 Pearl Road, first floor and basement. (Ward 16). Received.

File No. 52-06.

Re: Transfer of Ownership Application — 7462760 — Rodeo Bar & Grill, Inc., d.b.a. Rodeo Bar & Grill, 3146 West 14th Street. (Ward 13). Received.

File No. 53-06.

Re: Transfer of Ownership Application — 7308301 — Reserve Hotel Ltd Embassy Suites Hotel, 1701 East 12th Street, floors 4-13. (Ward 13). Received.

File No. 54-06.

Re: Transfer of Ownership Application — 2759436 — 5816 Liquor, Inc., 5816 Superior Avenue. (Ward 7). Received.

File No. 55-06.

Re: Transfer of Ownership Application — 1164895 — C. B. Searcy Corp., d.b.a. Broadway Food and Beverage, 5474 Broadway Avenue, first floor. (Ward 5). Received.

File No. 56-06.

Re: Transfer of Ownership Application — 4957166 — La Collina, Ltd., d.b.a. Michaelangelos' Restaurant and Wine Bar, 2198 Murray Hill Road, first floor. (Ward 6). Received.

File No. 57-06.

Re: Transfer of Ownership Application — 8003657 — 7819 Cedar Avenue Corp., d.b.a. White Front Food Market, 7819-21 Cedar Avenue. (Ward 6). Received.

File No. 58-06.

Re: Transfer of Ownership and Location Application — 6665197 — Palsun Inc., d.b.a. Convenient Express, 15518 St. Clair Avenue. (Ward 11). Received.

File No. 59-06.

Re: Stock Transfer Application — 6548694 — 1840 D. Huron LLC, d.b.a. Paninis Gateway, first floor and basement and patio, 840-48 Huron Road and 2132 East 9th Street, first floor unit. (Ward 13). Received.

File No. 60-06.

Re: Stock Transfer Application — 6115132 — Mon's Holdings LLC, d.b.a. Panini, 1290 West 6th Street, first floor and basement and patio. (Ward 13). Received.

File No. 61-06.

Re: Stock Transfer Application — 02613400010 — Argo Delicatessen,

Inc., d.b.a. Helen's Market, 1845 East 97th Street. (Ward 7). Received.

File No. 62-06.

Re: Liquor Agency Contract — 2759436 00 5816 Liquor, Inc., 5816 Superior Avenue. (Ward 7). Received.

OATH OF OFFICE**File No. 63-06.**

Darnell Brown — Executive Assistant to the Mayor, Chief Operating Officer. Received.

File No. 64-06.

Valarie J. McCall — Executive Assistant to the Mayor, Chief of Government Affairs. Received.

File No. 65-06.

Robert J. Triozzi — Law Director. Received.

File No. 66-06.

Maureen Harper — Executive Assistant to the Mayor, Chief of Communications. Received.

File No. 67-06.

Michael A. House — Executive Assistant to the Mayor, Press Secretary. Received.

File No. 68-06.

Jane Fumich — Director of Aging. Received.

File No. 69-06.

Robert N. Brown — Planning Director, Secretary to the City Planning Commission. Received.

File No. 70-06.

Lucille Ambroz — Member of the Civil Service Commission and Secretary of the Civil Service Commission. Received.

File No. 71-06.

Kenya Taylor — Interim Director of Consumer Affairs. Received.

File No. 72-06.

Matt Carroll — Interim Director of Public Health. Received.

File No. 73-06.

Karil Bialostosky — Interim Secretary to the Director of Public Health, Interim Assistant Director of Public Health. Received.

File No. 74-06.

Sue Rudman — Interim Director of Personnel and Human Resources. Received.

File No. 75-06.

Antoinette Thompson — Interim Director of Parks, Recreation and Properties. Received.

File No. 76-06.

Jomarie Wasik — Interim Director of Public Service. Received.

File No. 77-06.

Julius Ciaccia — Interim Director of Public Utilities. Received.

File No. 78-06.

Michael O'Malley — Interim Secretary to the Director of Public Utilities, Interim Assistant Director of Public Utilities. Received.

File No. 79-06.

Martin Flask — Interim Director of Public Safety. Received.

File No. 80-06.

Sanford E. Watson — Interim Secretary to the Director of Public Safety, Interim Assistant Director of Public Safety. Received.

File No. 81-06.

Sharon Dumas — Interim Director of Finance. Received.

File No. 82-06.

John Mok — Interim Director of Port Control. Received.

File No. 83-06.

Daryl Rush — Interim Director of Community Development. Received.

File No. 84-06.

John Wilbur — Interim Secretary to the Director of Community Development, Interim Assistant Director of Community Development. Received.

File No. 85-06.

Edwin Nunez — Interim Executive Assistant, Interim Director of Equal Opportunity. Received.

File No. 86-06.

Edward W. Rybka — Interim Secretary to the Planning Director, Interim Assistant Planning Director. Received.

File No. 87-06.

Theasha A. Daniely — Executive Director of the Community Relations Board. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 89-06—Carlee E. Lewis.

Res. No. 90-06 — Leroy Wallace, Jr.

Res. No. 91-06—Pastor Vernon R. Grayson.

Res. No. 92-06—Daniel D. Drake.

Res. No. 93-06 — Betty Wohlvert Ratner.

Res. No. 94-06 — Charlie Mae Hope.

Res. No. 95-06—Hersie Suttles.

Res. No. 96-06—Gerald Johnson.

CONGRATULATION RESOLUTIONS

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

Res. No. 97-06 — Myron F. Robinson.

Res. No. 98-06—Hospitality Restaurants, Inc.

Res. No. 99-06—Progressive Urban Real Estate.

Res. No. 100-06—Alan Schneider.

Res. No. 101-06—Villa Angela-St. Joseph High School Lady Vikings Volleyball Team.

Res. No. 102-06 — Ricki Neubecker.

Res. No. 103-06—Cleveland Public Library - 100th Anniversary.

Res. No. 104-06—Marcia Zashin.

APPRECIATION RESOLUTIONS

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

Res. No. 105-06 — Mayor Jane L. Campbell.

Res. No. 106-06 — Frank G. Jackson.

WELCOME RESOLUTION

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

Res. No. 107-06—The Dramatics.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 7-06.**

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with Cuyahoga County for professional services necessary to perform bridge inspections; and to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 131.061 relating to agreements with Cuyahoga County for annual bridge inspections.

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 one or more contracts with Cuyahoga County for professional services necessary to perform bridge inspections for a one year period in the total sum of \$90,000, for the Department of Public Service. The contracts or contracts shall be paid from Fund No. 01-400401-632000, Request No. 166653.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 131.061 to read as follows:

Section 131.061 Agreements with Cuyahoga County for Annual Bridge Inspections

The Director of Public Service is authorized to enter into successive agreements, each for a term not to exceed one year, with the Board of County Commissioners, County of Cuyahoga, for the County to perform annual bridge inspections in the City of Cleveland. The cost of the contract for each year shall be subject to annual appropriation.

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

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

Ord. No. 8-06.

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

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

Whereas, under Resolution No. 702-05, adopted June 6, 2005, this Council declared its intention to vacate a portion of Sector Avenue, Belmont Avenue, Elmwood Avenue, West 118th Place and West 120th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Sector Avenue extending Westerly from West 117th Street to West 121st Street, all that portion of Belmont Avenue extending Westerly from West 117th Street to West 120th Street, all that portion of Elmwood Avenue extending Westerly from West 117th Street to West 121st Street, all that portion of West 120th Street extending Southerly from Sector Avenue to the Northerly L.A. line of I-90; all that portion of West 118th Place (14 feet wide) extending Northerly from Elmwood Avenue to its Northerly terminus.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

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

Ord. No. 9-06.

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

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

Whereas, under Ordinance No. 1257-05, passed August 3, 2005, this Council gave consent to the Director of Transportation, State of Ohio, for the construction of the Morgana Run Bikeway Project; and

Whereas, this Council authorized the City to cooperate with the State of Ohio in the cost of the improvement; and

Whereas, the City's share of the cost of the improvement is currently estimated to be \$220,000; 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 authorizes payment to the State of Ohio of the City's share of constructing the Morgana Run Bikeway Project, payable from Fund Nos. 20 SF 361, 20 SF 370, 20 SF 377, 20 SF 382, 20 SF 392, 20 SF 501, and 20 SF 504, Request No. 132902.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to construct the Morgana Run Bikeway Project. The consideration to be paid for such property shall not exceed fair market value.

Section 3. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all of the costs necessary for the acquisition of such property.

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

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

Ord. No. 10-06.**By Council Members Britt, Brady, Cimperman and Sweeney (by departmental request).****An emergency ordinance authorizing the Director of Public Service to issue a permit to The Children's Hospital for Rehabilitation to encroach into the public right-of-way at three locations with three directional signs to be attached to utility poles (by separate permission).**

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 issue a permit, revocable at the will of Council, to The Children's Hospital for Rehabilitation, 2801 Martin Luther King, Jr. Drive, Cleveland, OH 44104-3865 ("Permittee"), to encroach into the public right-of-way by installing, using, and maintaining three directional signs to be attached to utility poles (by separate permission), at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
Stokes Blvd @ M.L.K. and Fairhill Rd. N.W. corner	#629380	First Energy
East 116th Street On island @ MLK S.E. corner	#540567	First Energy
Shale Ave. @ East 110th Street N.W. corner	No Tag	City of Cleveland

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the City.

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. 11-06.**By Council Members Cimperman, Brady and Sweeney (by departmental request).****An emergency ordinance to vacate a portion of Bading Avenue S.E.**

Whereas, under Resolution No. 365-05 adopted June 6, 2005, this Council declared its intention to vacate a portion of Bading Avenue S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the gen-

eral interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Bading Avenue S.E. (50 Feet wide) extending from the Easterly line of Kimmel Road S.E. (50 feet wide) Easterly to its Easterly terminus.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in com-

pliance with, plans approved by entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 12-06.
By Council Members Cimperman, Brady and Sweeney (by departmental request).

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

Whereas, under Resolution No. 954-05 adopted July 13, 2005, this Council declared its intention to vacate a portion of Carroll Avenue N.W. and a portion of Keene Court S.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Keene Court S.W. (16 feet wide) extending Easterly from the East line of West 29th Street to the West line of West 28th Street and all that portion of Carroll Avenue N.W. (50 feet wide) extending Easterly from the East line of West 30th Street to that portion of Carroll Avenue N.W. vacated in Volume 224, Page 54 of Cuyahoga County Map Records by Ordinance No. 2580-78 dated October 16, 1978.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 13-06.
By Council Members Brady, Cimperman and Sweeney (by departmental request).

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

Whereas, under Resolution No. 1458-04 adopted October 11, 2004, this Council declared its intention to vacate a portion of Diemer Court N.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Diemer Court N.E. (25 feet wide) extending from the Easterly line of East 64th Street (40 feet wide) Easterly to the Westerly line of Addison Road N.E. (40 feet wide).

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 15-06.
By Council Members Cimperman, Lewis, Brady and Sweeney (by departmental request).

An emergency ordinance to amend Resolution No. 2372-04, adopted February 28, 2005, relating to declaring it necessary to reconstruct or abandon sidewalk vaults encroaching upon the public right-of-way of Euclid Avenue between Public Square and East 70th Street; and revoking any and all existing encroachment permits for all sidewalk vaults in the assessment area.

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 3 of Resolution No. 2372-04, adopted February 28, 2005, is amended to read as follows:

Section 3. That subject to Section 3a below, that 30% of the cost of said improvement and expenses shall be assessed on all lots and lands abutting on, and other specially benefited property adjacent to Euclid Avenue between Public Square and East 70th Street, in proportion to the benefits which may result from the improvement, and it is determined that the lots and lands are specially benefited by the improvements. The cost of the work shall include the cost of plans, specifications, profiles and estimates and of printing, serving, and publishing notices, resolutions and ordinances, the cost of all labor and materials, including securing the improvement site, and all other necessary expenditures. The Director of Public Service has fixed ten (10) years as the estimated life of the improvement.

Section 2. That existing Section 3 of Resolution No. 2372-04, adopted February 28, 2005, is repealed.

Section 3. That Resolution No. 2372-04, adopted February 28, 2005, is supplemented by adding new Section 3a to read as follows:

Section 3a. That the assessments levied under this resolution shall not exceed the lesser of: the limitations set forth in Section 158 of the Charter; and the estimated cost to construct the assessment set forth under the title "30% Assessment following value engineering" on the vault assessment computations document contained in File No. 15-06-A, in the office of the Clerk of 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.

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

Ord. No. 16-06.

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

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

Whereas, under Resolution No. 1260-05, adopted August 3, 2005, this Council declared its intention to vacate a portion of Rose Court S.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Rose Court S.E. (10 feet wide) extending Easterly from the Easterly right of way of East 36th Street (60 feet wide) to the Westerly right of way of East 37th Street (40 feet wide).

Reviewed and approved by Greg Esber, Survey Section Chief for E&C

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 17-06.

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

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

Whereas, under Resolution No. 2127-04 adopted January 31, 2005, this Council declared its intention to vacate a portion of the 1st Un-Named Alley, West of Pearl Road from Krather Road to its Northerly terminus; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being the first (1st) Un-Named Alley (14 feet wide) Westerly of Pearl Road on the Northerly side of Krather Road and extending Northerly from the Northerly line of Krather Road (40 feet wide) to the Northerly line of the Henry Krather Allotment of part of original Brooklyn Township Lot Nos. 57 and 64 as shown by the recorded map in Volume 25, page 17 of Cuyahoga County Records.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 18-06.

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

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

Whereas, under Resolution No. 2065-04 adopted January 31, 2005, this Council declared its intention to vacate a portion of Brevier Avenue S.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Brevier Avenue S.W. (60 & 66 feet wide) extending Northwesterly from the Northwesterly line of Train Ave. S.W. (60 feet wide) (formerly Walton Avenue S.W.) to the Southeastern line of the Conrail right of way.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 19-06.

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

An emergency ordinance to vacate a portion of West 37th Place.

Whereas, under Resolution No. 1856-03 adopted November 17, 2003, this Council declared its intention to vacate a portion of West 37th Place; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of West 37th Place (10 feet wide) extending Southerly from the Southerly line of Chatham Avenue S.W. (50 feet wide) to that portion of West 37th Place vacated by the Council of the City of Cleveland by Ordinance Number 1977-02 passed November 25, 2002.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 20-06.

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

An emergency ordinance to vacate a portion of Springdale Avenue.

Whereas, under Resolution No. 541-04, adopted May 17, 2004, this Council declared its intention to vacate a portion of Springdale Avenue; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on April 21, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Springdale Avenue S.W. (50 feet wide) extending Easterly from the Easterly line of West 192nd Street (50 feet wide) to that portion of Springdale Avenue S.W. vacated by the Council of the City of Cleveland by Ordinance number 521-2000 passed June 12, 2000.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

Section 2. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 21-06.

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

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

Whereas, under Resolution No. 577-05 adopted June 6, 2005, this Council declared its intention to vacate a portion of Woodslee Court N.W. and a portion of West 134th Place; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Woodslee Court N.W. (20 feet wide) extending from the East line of that portion of Woodslee Court N.W. (20 feet wide) vacated by Ordinance No. 1870-57, passed 9-23-57, Easterly, to and including that portion of West 134th Place (20 feet wide) extending from said Woodslee Court N.W. (20 feet wide), Northerly, to the Southerly line of Lakewood Heights Boulevard N.W. (86 feet wide).

Reviewed and approved by Greg Esber, Survey Section Chief for E&C.

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements.

Section 3. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 22-06.
By Council Members Zone, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to vacate a portion of Alum Court.

Whereas, under Resolution No. 1533-05 adopted August 3, 2005, this Council declared its intention to vacate a portion of Alum Court; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Alum Court S.W. (12 feet wide) extending Easterly from the East right of way of West 61st Street (50 feet wide) to the West line of Sub Lot 7 in the J.H. Sargent's Allotment as shown in Volume 4 Page 36 of the Cuyahoga County Map Records.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C

Section 2. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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

Ord. No. 23-06.
By Council Member Westbrook.

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

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its November 17, 2005 Board Meeting; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of abating asbestos, demolishing the Trinity Building located at 9203 Detroit Avenue, and soil remediation for the Department of Economic Development, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

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

Section 3. That the public improvement contract or contracts authorized in this legislation will require the contractor 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 placing 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 4. That the Director of Economic Development is authorized to employ by contract or contracts HZW Environmental Consultants, LLC, 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 perform technical support, environmental oversight, and any other services that the Director of Economic Development deems necessary for the City to implement the public improvement contract(s) authorized in this legislation, to address underground storage tanks in accordance with applicable regulations, and to perform groundwater remediation at the site after asbestos removal and demolition occur.

Section 5. That the contracts and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 10 SF 552 and 10 SF 553. (RL 103686)

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

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

Ord. No. 88-06.
By Council Member Polensek.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair to Collinwood and Nottingham Village Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 115-28-001, 115-28-002, 115-28-003, 115-28-004, as fully described below, to Collinwood and Nottingham Village Development Corporation or designee.

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

P. P. Nos. 115-28-001, 002, 003, 004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 76, 77, 78 and 79 in The R. R. and P. P. Company's Five Points Allotment of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 63 of Maps, Page 32 of Cuyahoga County Records and together forming a parcel of land 180 feet front on the Southeastly side of St. Clair Avenue N.E., 143.73 feet deep on North-easterly line, which is also the Southwestly line of Rondel Road, N.E., 140.33 feet deep on the South-westerly line which is also the Northeastly line of Royal Road N.E., and 179.86 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 14-06.

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

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

Whereas, under Resolution No. 1668-05, adopted September 12, 2005, this Council declared its intention to vacate a portion of Holmden Court S.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Being all that portion of Holmden Court S. W. (14 feet wide) extending Easterly from the South-erly prolongation of the Easterly line of Sublot 22 in the Nicola & Judson Allotment recorded in Volume 5, Page 7 of the Cuyahoga County Map Records, to its Easterly terminus.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C

Section 2. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

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

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. 24-06.

By Council Member Zone.

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Great Lakes Towing Company for providing economic assistance for shipyard relocation and expansion in order to carry out the public purpose of job creation and retention through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with The Great Lakes Towing Company for providing economic assistance for shipyard relocation and expansion in order to carry out the public purpose of job creation and retention through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 37-06.

By Council Member Sweeney.

An emergency ordinance rejecting the tentative collective bargaining agreement with the Cleveland Association of Fire Fighters Local 93.

Whereas, on December 28, 2005, the prior Administration entered into a tentative collective bargaining agreement with the Cleveland Association of Fire Fighters Local 93 for the period from April 1, 2004 through March 31, 2007 ("Tentative Agreement"); and

Whereas, the Tentative Agreement has been submitted to this Council under division (B) of Section 4117.10 of the Revised Code; and

Whereas, on January 9, 2006, this Council conducted a public hearing to review the Tentative Agreement; and

Whereas, this Council has determined to reject the Tentative Agreement; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That, under division (B) of Section 4117.10 of the Revised Code, this Council rejects the tentative collective bargaining agreement with the Cleveland Association of Fire Fighters Local 93, under the terms contained in File No. 37-06-A, for the period from April 1, 2004 through March 31, 2007.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 2.

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

Those voting nay: Council Members Dolan and Reed.

Absent: Council Member Lewis.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 25-06.

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

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

Whereas, pursuant to the Ohio Constitution, the City of Cleveland has adopted a charter by which it exercises all powers of local self government; and

Whereas, one such power is the power to require City residency as a condition of employment; and

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

Whereas, Cleveland's Charter amendment requiring City residency as a condition of employment was an exercise of the constitutional rights of the citizens of the City of Cleveland; generally, the right to govern themselves; and specifically, the right to establish residency as a condition of employment; and

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

Whereas, Senate Bill 82 prevents the citizens of the City of Cleveland and other charter municipalities from exercising their constitutional rights, including the right to require employees, as a condition of employment, to live in a specific area; and

Whereas, Senate Bill 82 is part of a continuing attempt by the Ohio General Assembly to eliminate the right of the citizens of charter municipalities in Ohio to adopt a charter and to exercise the powers of local self government; and

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

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

Section 1. That this Council hereby opposes Ohio Senate Bill 82 which prohibits political subdivisions from requiring their permanent full-time employees to reside in any specific area of the state, as such bill violates the right of local self government which is afforded the citizens of a charter municipality under the Ohio Constitution.

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

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

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

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

Res. No. 26-06.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit at 3528-30 Independence Road, and repealing Resolution No. 1554-05, objecting to said transfer.

Whereas, this Council objected to a D2, D2X and D3 Liquor Permit to 3528 Independence Road by Resolution No. 1554-05 adopted by the Council on August 3, 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 D2, D2X and D3 Liquor Permit to Nicholas Albondante, DBA Stop In Café, 3528-30 Independence Road, Cleveland, Ohio 44105, Permanent Number 0098825 be and the same is hereby withdrawn and Resolution No. 1554-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 27-06.

By Council Member Coats.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue, and repealing Resolution No. 1688-05, objecting to said permit.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 18029 St. Clair Avenue by Resolution No. 1688-05 adopted by the Council on September 12, 2005; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to New Foundation Real Estate Investment Corp., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6368876, be and the same is hereby withdrawn and Resolution No. 1688-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 28-06.

By Council Member Pierce Scott.
An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 863-71 East 93rd Street and repealing Resolution No. 1566-05, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 863-71 East 93rd Street by Resolution No. 1566-05 adopted by the Council on August 3, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Samia, Inc., DBA Convenience Deli, 863-71 East 93rd Street, Cleveland, Ohio 44108, Permanent Number 7702571, be and the same is hereby withdrawn and Resolution No. 1566-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 29-06.

By Council Member Santiago.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 3179 Scranton Road, 1st floor front, and repealing Resolution No. 1843-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Captain's Market, Inc., 3179 Scranton Road, 1st floor front, Cleveland, Ohio 44111, Permanent No. 1245725, by Resolution No. 1843-05 adopted by the Council on September 26, 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 Captain's Market, Inc., 3179 Scranton Road, 1st floor front, Cleveland, Ohio 44111, Permanent Number 1245725 be and the same is hereby withdrawn and Resolution No. 1843-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 30-06.

By Council Member Turner.
An emergency resolution withdrawing objection to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit at 13208 Caine Avenue and repealing Resolution No. 1219-04, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit to 13208 Caine, Inc., DBA Caine Tavern, 13208 Caine Avenue, Cleveland, Ohio 44105, Permanent No. 6553548, adopted by the Council on June 14, 2004; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to 13208 Caine, Inc., DBA Caine Tavern, 13208 Caine Avenue, Cleveland, Ohio 44105, Permanent Number 6553548 be and the same is hereby withdrawn and Resolution No. 1219-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 31-06.

By Council Member Turner.
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 14201 Miles Avenue, and repealing Resolution No. 317-05, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 14201 Miles Avenue by Resolution No. 317-05 adopted by the Council on February 28, 2005; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C1 Liquor Permit to 14201 Miles, Inc., DBA Yaba Market, 14201 Miles Avenue, Cleveland, Ohio 44128, Permanent Number 2850917, be and the same is hereby withdrawn and Resolution No. 317-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 32-06.

By Council Member White.
An emergency resolution withdrawing objection to the transfer of stock and transfer of ownership of a C2 and C2X Liquor Permit at 10808 Dove Avenue, and repealing Resolution Nos. 1911-05 and 22-05, objecting to said transfers.

Whereas, this Council objected to the transfer of stock of a C2 and C2X Liquor Permit to 10808 Dove Avenue by Resolution No. 1911-05 adopted by the Council on October 10, 2005, and to the transfer of ownership by Resolution No. 22-05 adopted by the Council on January 10, 2005; and

Whereas, this Council wishes to withdraw its objections to the above transfers and consents to said transfers; 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 objections to a C2 and C2X Liquor Permit to Ocean, Inc., 10808 Dove Avenue, Cleveland, Ohio 44105, Permanent Number 6503136 be and the same is hereby withdrawn and Resolution Nos. 1911-05 and 22-05, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfers thereof.

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

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

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

Res. No. 33-06.**By Council Member Zone.**

An emergency resolution with drawing objection to the transfer of ownership of a C1 Liquor Permit at 5110 Clark Avenue, and repealing Resolution No. 1692-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Harb's Marathon, LLC, DBA Harb's Marathon, 04, 5110 Clark Avenue, Cleveland, Ohio 44102 Permanent No. 35909520015, by Resolution No. 1692-05 adopted by the Council on September 12, 2005; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Harb's Marathon, LLC, DBA Harb's Marathon, 04, 5110 Clark Avenue, Cleveland, Ohio 44102 Permanent No. 35909520015, be and the same is hereby withdrawn and Resolution No. 1692-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 34-06.**By Council Member Zone.**

An emergency resolution with drawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5601 Clark Avenue, 1st floor, and repealing Resolution No. 1695-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 5601 Clark Avenue, Inc., DBA Cleveland Food Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent No. 2759413, by Resolution No. 1695-05 adopted by the Council on September 12, 2005; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 5601 Clark Avenue, Inc., DBA Cleveland Food

Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 2759413 be and the same is hereby withdrawn and Resolution No. 1695-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 35-06.**By Council Member Zone.**

An emergency resolution with drawing objection to a New C1 Liquor Permit at 3224 West 73rd Street, and repealing Resolution No. 729-05, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 3224 West 73rd Street by Resolution No. 729-05 adopted by the Council on April 18, 2005; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C1 Liquor Permit to Hanah Shihadeh, 3224 West 73rd Street, Cleveland, Ohio 44102, Permanent Number 8087286, be and the same is hereby withdrawn and Resolution No. 729-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 36-06.**By Council Member Brancatelli.**

An emergency resolution with drawing objection to the renewal of a C1 and C2 Liquor Permit at 3367 East 65th Street and repealing Resolution No. 1549-05, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to Samir J. Amer, DBA Johnnie's Market, 3367 East 65th Street, Cleveland, Ohio 44127, Permanent Number 0174029 by Resolution No. 1549-05 adopted by the Council on August 3, 2005; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Samir J. Amer, DBA Johnnie's Market, 3367 East 65th Street, Cleveland, Ohio 44127, Permanent Number 0174029 be and the same is hereby withdrawn and Resolution No. 1549-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

THIRD READING EMERGENCY ORDINANCE PASSED**Ord. No. 1780-05.**

By Mayor Campbell.

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Steelyard Commons LLC, to provide for payments to the Cleveland City School District and to provide for the creation of the Steelyard Commons TIF Fund to be used for development and recreational improvements; and to declare certain improvements to real property to be a public purpose.

Read third time in full. Passed. Yeas 20. Nays 0.

LAI D ON THE TABLE**Ord. No. 1219-01.**

By Council Member Dolan.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 433.08 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the use of cell phones in motor vehicles.

Res. No. 788-02.

By Council Member Coats.

An emergency resolution supporting SBC Ameritech's long distance application with the Ohio Public Utilities Commission in order to increase competition in the market-

place, provide consumers with savings and spur new investment and services across the state.

Without objection, Ordinance No. 1219-01 and Resolution No. 788-02 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 1219-01 and Resolution No. 788-02 laid on the table.

MOTION

The Council Member Santiago, seconded by Council Member Britt, and unanimously carried that the absence of Council Member Fannie M. Lewis be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:40 p.m. to meet Monday, January 23, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

NO MEETING

CIVIL SERVICE NOTICES

General Information

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

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

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

been successful in all parts of the examination.

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 23, 2006

9:30 A.M.

Calendar No. 05-386: 5801 Wetzel Avenue (Ward 16)

The Mini Maxi Corporation, owner, and Matthew Boros appeal to construct two individual one-story masonry and frame storage buildings that provide a total of 13 units to be added on the westerly part of an existing nonconforming mini-storage complex, situated on a 1,350' x 225' irregular shaped acreage parcel, located in a Two-Family District for a depth of 150' and in a General Industry District for the remainder of the property at 5801 Wetzel Avenue; said buildings within the Residence District portion of the property being contrary to Section 337.03 and the expansion of a nonconforming use requires the Board of Zoning Appeals approval, as stated in Section 359.01 of the Codified Ordinances.

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

Larry Saulsberry appeals under Section 76-6 of the Charter of the City of Cleveland from the suspension of a City of Cleveland Hack License, issued by the Commissioner of Assessments and Licenses and scheduled to begin December 18, 2005 as a result of an incident that occurred on November 5, 2005.

Calendar No. 05-388: 16416 Westview Avenue (Ward 1)

Melanie Y. Chapman-Bowen, owner, appeals to establish use as a Type A day care in an existing single family dwelling, situated on a 40' x 140' parcel in an A1 One-Family District on the south side of Westview Avenue at 16416 Westview Avenue; the proposed Type A day care is subject to the limitations of Sections 337.02(f)(3)(C), that require the Board of Zoning Appeals approval, if it is located less than 30' from an adjoining premises in a residential district not used for a similar purpose, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Calendar No. 05-389: 3915 Buechner Avenue (Ward 16)

Agnes Livengood, owner, appeals to install a 4' tall chain link fence in the front yard setback of a sin-

gle family dwelling situated on a 50' x 120' parcel in an A1 One-Family District on the south side of Buechner Avenue at 3915 Buechner Avenue; contrary to the Fence Regulations, where only ornamental fences are permitted in the actual front yards of a Residence District, unless the Board of Zoning Appeals determines that legally permitted chain link fences are common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Codified Ordinances.

Calendar No. 05-390: 1055 Ivanhoe Road (Ward 11)

Ivanhoe-Cleveland Associates, Ltd. c/o Fred Richman, owner, and Ishmeal Pettigrew, prospective purchaser, appeal to construct a one-story auto garage proposed to be built on a vacant 150' x 165' corner lot, located in a Local Retail Business District on the northeast corner of Ivanhoe Road and Halliday Avenue at 1055 Ivanhoe Road; the proposed auto garage being contrary to Section 343.01 and not permitted in a Local Retail District but first permitted in a Semi-Industry District, provided that it is 100' from a Residence District; and no landscaping is proposed where Section 352.10 requires that there be a 6' wide landscape strip between the parking lot and Halliday Avenue; with 8 parking spaces proposed instead of 10 that are required according to Section 349.04(g); and a 6' tall fence is proposed in the actual front yard of a Residence District, where the maximum height of fence permitted is 4' as stated in Section 358.05(a)(2) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 9, 2006

At the meeting of the Board of Zoning Appeals on Monday, January 9, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-380: 2540 West 5th Street

Cuyahoga Metropolitan Housing Authority appealed to construct 190 two and three-story townhouses in a Multi-Family District.

Calendar No. 05-381: 770 East 185th Street

Gary Simmons appealed to construct a dumpster enclosure in the northwest corner of a restaurant parking lot in a Local Retail Business District.

Calendar No. 05-348: 3479 West 122nd Street

Edith Berki appealed to enclose an existing open front porch in One-Family District.

The following appeals were **Postponed:**

Calendar No. 05-369: 2317 West 5th Street postponed to January 30, 2006.

Calendar No. 05-378: 3249 East 143rd Street postponed to January 23, 2006.

Calendar No. 05-379: 3060 West 121st Street postponed to January 23, 2006.

In Executive Session on January 9, 2006, the following appeals heard by the Board on January 3, 2006 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 05-325: 835 Brayton Avenue - Unit B-1
Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

Calendar No. 05-326: 835 Brayton Avenue - Unit B-2
Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

Calendar No. 05-327: 835 Brayton Avenue - Unit B-3
Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

Calendar No. 05-328: 835 Brayton Avenue - Unit B-4
Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

Calendar No. 05-329: 835 Brayton Avenue - Unit B-5
Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

Calendar No. 05-376: 1850 Superior Avenue
Famicos Foundations appealed to construct a 500 square foot addition to a four-story apartment building in a Semi-Industry District.

The following appeal was **Denied**:

Calendar No. 05-250: 3664 West 46th Street
Patricia Jordan appealed to install approximately 203 linear feet of 6' high chain link fence in the side street yard of a corner lot in a Two-Family District.

In Executive Session on January 9, 2006, the following appeal heard by the Board on June 6, 2005 was adopted and approved:

The following appeal was **Approved**:

Calendar No. 05-41: 3596 East 131st Street
Minnie Adams Jones appealed to establish use as a barber shop and a car wash in a Local Retail Business District; subject to conditions.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC ANNOUNCEMENT

DOWNTOWN CLEVELAND IMPROVEMENT CORPORATION

Public Service Representatives Program - Request for Proposals for FY2006

NOTICE IS HEREBY GIVEN that the Downtown Cleveland Improvement Corporation seeks proposals for a Public Service Representatives Program to provide uniformed public service representatives to function as "ambassadors of downtown" in the area of downtown Cleveland designated as the Downtown Cleveland Improvement District (the "District"). Firms experienced in providing these services and interested in being considered for a contract to provide those services should submit a proposal no later than 5:00 p.m., E.D.T., on February 3, 2006, to the Clean and Safe Committee of the Downtown Cleveland Improvement Corporation, 50 Public Square, Suite 825, Cleveland, Ohio 44113, subject to all of the terms and conditions of the request for proposals, which describes in more particular detail the District, the scope of services to be provided by the successful proposer(s), the qualifications desired of the successful proposer(s) and the evaluation criteria to be applied to the proposers. Copies of the request for proposals may be requested from the Downtown Cleveland Improvement Corporation (telephone (216) 736-7799, fax (216) 736-7792) or picked up at the office of the Downtown Cleveland Improvement Corporation at the above address. A pre-bid conference will be held at 2:00 p.m., E.D.T., on January 20, 2006, in the 27th floor Conference Center of Key Tower located at 127 Public Square, Cleveland, OH 44113.

Dated: January 6, 2006

DOWNTOWN CLEVELAND IMPROVEMENT CORPORATION

Maintenance Program - Request for Proposals for FY2006

NOTICE IS HEREBY GIVEN that the Downtown Cleveland Improvement Corporation seeks proposals for a Maintenance Program to provide for the maintenance of a clean, litter-free public environment through light maintenance and to improve and preserve the appearance of the area of downtown Cleveland designated as the Downtown Cleveland Improvement District (the "District"). Firms experienced in providing these services and interested in being considered for a contract to provide those services should submit a proposal no later than 5:00 p.m., E.D.T., on February

3, 2006, to the Clean and Safe Committee of the Downtown Cleveland Improvement Corporation, 50 Public Square, Suite 825, Cleveland, Ohio 44113, subject to all of the terms and conditions of the request for proposals, which describes in more particular detail the District, the scope of services to be provided by the successful proposer(s), the qualifications desired of the successful proposer(s) and the evaluation criteria to be applied to the proposers. Copies of the request for proposals may be requested from the Downtown Cleveland Improvement Corporation (telephone (216) 736-7799, fax (216) 736-7792) or picked up at the office of the Downtown Cleveland Improvement Corporation at the above address. A pre-bid conference will be held at 2:00 p.m., E.D.T., on January 20, 2006, in the 27th floor Conference Center of Key Tower located at 127 Public Square, Cleveland, OH 44113.

Dated: January 6, 2006

January 11, 2006 and January 18, 2006

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or

FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, JANUARY 18, 2006

Paper Contract, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 2130-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 13, 2006 AT 11:00 A.M., DIVISION OF PRINTING, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 4, 2006 and January 11, 2006

WEDNESDAY, JANUARY 25, 2006

Maintenance and Repair of Bridge and Special Lighting, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1633-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, JANUARY 18, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

13.8 kv Transformers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 19, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Unarmed, Uniformed Security Guards, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2133-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, JANUARY 17, 2006 AT 10:00 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 4, 2006 and January 11, 2006

WEDNESDAY, FEBRUARY 1, 2006

Automotive Parts, Supplies and Services Necessary for Vehicle Maintenance, Including Labor and Materials for Repair and Installation, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 1873-05, passed by the Council of the City of Cleveland, November 1, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 20, 2006 AT 10:00 A.M., 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Cleaning and Cement Mortar Lining Year 2006 — Area A, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 947-05, passed by the Council of the City of Cleveland, June 6, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 17, 2006 AT 11:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Cleaning and Cement Mortar Lining Year 2006 — Area B, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 947-05, passed by the Council of the City of Cleveland, June 6, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 17, 2006 AT 11:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Technology and Security Center, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 758-04, passed by the Council of the City of Cleveland, June 7, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 17, 2006 AT 9:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 4, 2006 and January 11, 2006

FRIDAY, JANUARY 20, 2006

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 13, 2006 AT 9:00 A.M., DIVISION OF INFORMATION TECHNOLOGY & SERVICES, 205 ST. CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.

January 11, 2006 and January 18, 2006

FRIDAY, JANUARY 27, 2006

M.S.A. Breathing Apparatus Parts and Repair, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 580-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 20, 2006 AT 10:00 A.M., CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

January 11, 2006 and January 18, 2006

WEDNESDAY, FEBRUARY 1, 2006

Labor and Materials Necessary to Maintain and Repair Automatic Doors, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 2069-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 20, 2006 AT 11:00 A.M., 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

The Construction of Jennings Road from Springs Road to Jennings Freeway Ramps, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 821-05, 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 SEVENTY FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 19, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.

January 11, 2006 and January 18, 2006

FRIDAY, FEBRUARY 3, 2006

Maintenance, Repair and Replacement of Pipe-Type Cable and Related Equipment, for the Division of Cleveland Public Power,

Department of Public Utilities, as authorized by Ordinance No. 1014-05, passed by the Council of the City of Cleveland, July 13, 2005. **THERE WILL BE A NON-MAN-DATORY PRE-BID MEETING, THURSDAY, JANUARY 26, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Office Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2129-05, passed by the Council of the City of Cleveland, November 28, 2005. **THERE WILL BE A NON-MAN-DATORY PRE-BID MEETING FRIDAY, JANUARY 20, 2006 AT 11:30 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Lumber, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2132-05, passed by the Council of the City of Cleveland, November 28, 2005. **THERE WILL BE A NON-MAN-DATORY PRE-BID MEETING FRIDAY, JANUARY 20, 2006 AT 11:30 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

nance No. 2132-05, passed by the Council of the City of Cleveland, November 28, 2005. **THERE WILL BE A NON-MAN-DATORY PRE-BID MEETING FRIDAY, JANUARY 20, 2006 AT 11:00 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 11, 2006 and January 18, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, January 9, 2006 9:30 a.m.

Health and Human Services Committee: Present: Britt, Chair; Cleve-

land, Vice Chair; Conwell, Reed, Santiago, Westbrook. *Authorized Absence:* Kelley.

11:00 a.m.

Employment, Affirmative Action and Training Committee: *CANCELLED.*

2:00 p.m.

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

Wednesday, January 11, 2006 1:30 p.m.

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

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