

The City Record

Official Publication of the Council of the City of Cleveland



April the Twelfth, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley; Councilman Nina Turner.

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, APRIL 12, 2006

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CITY COUNCIL

MONDAY, APRIL 10, 2006

The City Record

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Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, April 10, 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, Sweeney, Turner, Westbrook, White and Zone.

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. John J. Cregan, Pastor of Our Lady of Angels Church, located at 3644 Rocky River Drive, in Ward 21. Pledge of Allegiance.

MOTION

On the motion of Council Member Kelley, the reading of the minutes of the last meeting were dispensed

with and the journal approved. Seconded by Council Member Polensek.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 664-06.

Re: New Application — 4979902 — Lakeside Marine Fuel, Inc., 4915 N. Marginal Road. (Ward 13). Received.

File No. 665-06.

Re: New Application — 4901131 — KSK Restaurants, Inc., d.b.a. Pizza Joe's & Deli, 4260 Fulton Road. (Ward 16). Received.

File No. 666-06.

Re: New Application — 0251590 — ARR Minute Market, Inc., d.b.a. ARR Minute Market, Inc., 13302 St. Clair Avenue. (Ward 10). Received.

File No. 667-06.

Re: New Application — 1351124 — Cedar 70, Inc., d.b.a. Upstate Market, 7002 Cedar Avenue. (Ward 5). Received.

File No. 668-06.

Re: Transfer of Ownership Application — 6549209 — 1-2-3 Richmond, Inc., 15914 St. Clair Avenue, first floor and basement. (Ward 11). Received.

File No. 669-06.

Re: Transfer of Ownership Application — 1434253 — China House Restaurant, Inc., first floor and basement, 5238 St. Clair Avenue. (Ward 13). Received.

File No. 670-06.

Re: Transfer of Ownership Application — 8871311 — 3203 West 25th, Inc., d.b.a. Jay's Market, 3203 West 25th Street. (Ward 14). Received.

File No. 671-06.

Re: Transfer of Ownership Application — 5983795 — Josephine E. Miller, d.b.a. Bull Shooter's Bar & Grill, 1311 East 49th Street, first floor. (Ward 13). Received.

File No. 672-06.

Re: Transfer of Location Application — 15504980002 — Cleveland State University, d.b.a. Fenn Tower Panel Room, 2121 Euclid Avenue, Fenn Tower Panel Room 303. (Ward 13). Received.

File No. 673-06.

Re: Transfer of Ownership and Location Application — 7467400 — Gennie Rodriguez, 2704 Clark Avenue. (Ward 14). Received.

File No. 674-06.

Re: Transfer of Ownership and Location Application — 3365513 — Gregg C. Korney, LLC, d.b.a. Velocity, 10423-25-27 Clifton Boulevard. (Ward 18). Received.

File No. 675-06.

Re: Stock Transfer Application — 4793893 — Korea House Restaurant, Inc., 3700 Superior Avenue, first floor and basement. (Ward 13). Received.

PLAT**File No. 676-06.**

Riverside Park States Subdivision Plat. (Ward 20).

Approved by Committees on Public Service and City Planning.

Without objection, plat approved. Yeas 19. Nays 0.

CONDOLENCE RESOLUTIONS

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

Res. No. 677-06—Mildred Stanley.

Res. No. 678-06—Clarence Mitchell.

Res. No. 679-06 — Eddie G. Williams.

Res. No. 680-06—Larry Preville.

Res. No. 681-06—Ora Lee Poole.

Res. No. 682-06—Gary Minor.

Res. No. 683-06—Emmitt Scott.

Res. No. 684-06—David Roth.

CONGRATULATION RESOLUTIONS

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

Res. No. 685-06—David Bostwick.

Res. No. 686-06 — Joseph and Dolores Shega.

RECOGNITION RESOLUTION

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

Res. No. 687-06—Tartan Day.

APPRECIATION RESOLUTIONS

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

Res. No. 688-06 — Pastor Tony L. Williams, Sr.

Res. No. 689-06 — Elder Monique Williams.

MOTION

By Council Member Brancatelli.

Upon the recommendation of the Rules Committee, I move that Rule 9 of the Rules of Council be amended and that this Council adopt the Rules of Council, as amended, for the remainder of the 2006-2009 Council term, or until such time as further amendments may be recommended by the Rules Committee and voted upon by this body.

Without objection, motion approved. Yeas 19. Nays 0.

RULES OF COUNCIL

**RULES OF ORDER
GOVERNING THE COUNCIL OF
THE CITY OF CLEVELAND
2006-2009**

The following rules of order shall govern the procedures of the City Council and the conduct of its members.

I. MEETINGS: PLACE, TIME OF CONVENING, QUORUM, ORDER OF BUSINESS

Rule 1. Meetings – Place. All meetings of the Council shall be held in the Council Chamber in the City Hall, unless otherwise ordered by the Council.

Rule 2. Meetings – Public. All meetings of the Council or committees thereof shall be public, and upon request of any citizen desiring to be heard on any matter, then under consideration by the Council, the Council may, on motion, resolve itself into a Committee of the Whole and hear such citizen at such time and for such period as Council may determine. Persons desiring to be heard by any committee of Council on any matter then under consideration may, by consent of such committee, be given an opportunity to be heard thereon. All Rules of Council minutes and records of the Council shall be open to the public at all reasonable times.

Rule 3. Regular Meetings. After the Council has been organized pursuant to Section 28 of the Charter, regular meetings of the Council shall be held in the Council Chamber every Monday evening at 7:00 o'clock P.M., unless otherwise ordered by motion, resolution or ordinance. Whenever the regular meeting falls on a legal holiday or a special election day – or the day preceding a legal holiday or primary or other election day, the meeting shall be held on a day to be fixed by the Council.

Rule 4. Summer Schedule. During the months of July and August, the Council shall be on summer schedule and shall meet at such times as shall be set forth in the resolution of Council establishing such schedule.

Rule 5. Special Meetings. Special meetings may be called at any time by the Mayor, the President of Council, or any five members upon at least twelve (12) hours written notice to each member of the Council served personally on each member or left at his usual place of residence; provided, however, that no such notice need be served on any Councilmember present at a meeting of Council at which the President of Council may give oral notice of the time and purpose of a special meeting. Any such notice shall state the subjects to be considered at the meeting, and no other subjects shall be there considered.

Rule 6. Quorum; Professionalism.

A majority of all the members elected to Council shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in the manner and under such penalties as shall be prescribed by these rules. All members shall conduct themselves professionally and shall attend all official meetings of Council in appropriate professional attire.

Rule 7. Order of Business. The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by a two-thirds vote, shall suspend the rules and change the order.

1. Roll call of members.
2. Prayer.
3. Pledge of Allegiance.
4. Disposal of the journal of the preceding meeting.
5. Reports and communications from the Mayor.
6. Reports and communications from departments, commissions and other public officers.
7. Other communications, petitions and memorials.
8. Reports of standing committees.
9. Reports of special committees.
10. Introduction of ordinances and resolutions.
11. Second reading of ordinances and resolutions.
12. Third reading of ordinances and resolutions.
13. Reading and passage of emergency ordinances and resolutions.
14. Miscellaneous business shall be permitted at the discretion of the chair.
15. Report of the clerk with reference to absence of members.
16. Adjournment.

The presiding officer may, at any time without objection of the members of Council, permit a member to introduce an ordinance, resolution or motion out of the regular order provided, however, if an objection is made, a two-thirds vote of all members elected to Council shall be required to permit such introduction out of the regular order.

Rule 8. The Calendar. It shall be the duty of the Clerk to have set aside conspicuously in *The City Record* a portion to be titled "The Calendar. The following measures will be on their passage at the next meeting." Under this title the Clerk shall arrange, and have printed in consecutive order, by title all ordinances and resolutions which are on for passage at the next meeting of Council. In the event that any such ordinances or resolutions have been amended, the full text of the operative sections of such ordinance or resolution, as amended, shall be published in addition to the title thereof. When action upon any measure appearing upon the Calendar is postponed to a day certain, such measure shall be considered on said day to which postponed whether or not it appears upon the Calendar of said day.

II. OFFICERS AND EMPLOYEES OF COUNCIL

Rule 9. Presiding Officer. The President of Council, and in the President's absence the President of Council pro tempore, shall preside over the meetings of the Council. In the absence of the President of Council, the Majority Leader shall serve as the President of Council pro tempore; in the absence of both the President of Council and the Majority Leader, the Majority Whip shall serve as the President of Council pro tempore. In the absence of the President of Council, the Majority Leader and the Majority Whip, the City Clerk shall call the Council to order; and if, after the roll call is called a quorum shall be present, the Council shall choose one of its members President of Council pro tempore. The President of Council pro tempore shall preside until the President of Council appears, but in no event beyond such meeting, and shall discharge all the duties and be clothed with all the powers of the President of Council as such presiding officer during the President of Council's absence. The Presiding Officer shall call all meetings of the Council to order at the hour appointed and shall proceed with the order of business. If a quorum be present, the Presiding Officer shall give the members an opportunity for correcting the journal of the previous meeting, a copy of which shall be placed on the desk of each member of the Council. In the absence of any objections or corrections, the minutes shall stand approved. The Presiding Officer shall preserve order and decorum, prevent personalities or the impugning of members' motives, confine members in debate to the question under discussion, shall decide all points of order subject to an appeal to the Council, and shall appoint all standing committees and such select committees as may be authorized by Council from time to time, except in those cases where the resolution authorizing such select committees specifically names the membership thereof.

Rule 10. Members Presiding. The President of the Council during any meeting thereof may name any member to perform the duties of the chair; but such substitution shall not extend beyond such meeting.

Rule 11. The Vote Necessary for Election of President and Clerk. No candidate for President or Clerk of Council shall be declared elected unless the candidate shall have received a majority vote of all members elected to Council.

Rule 11-1. Roll Call upon Election of President, and Filling Vacancies in the Membership of Council. Upon the roll call for the election of President of Council, Clerk of Council, or for filling any vacancy in the membership of Council, each member shall respond by stating the name of the candidate of his choice eligible for such office or appointment, which candidate shall not be required to be a person duly nominated and whose nomination has

been duly seconded, provided, however, that no member shall be excused from voting hereon except by unanimous consent.

Rule 12. The City Clerk. The Council shall choose a Clerk and such other officers and employees as may be deemed necessary and fix their compensation. The Clerk shall keep the record of the Council, and the Clerk shall be the editor of *The City Record*. The Clerk shall keep a proper file of all papers and documents which are a part of the transactions of the Council, of meetings of committees and all orders of the Council, and shall make such records available to the public. The Clerk shall be secretary to all committees, but may assign an assistant as secretary to any committee. When directed by any committee the Clerk shall cause to be kept minutes of each meeting of such committee that shall be kept in record form and be made available for public inspection. The record of committee meetings may be kept in the form of loose sheet records and need not be printed in *The City Record* nor copied in any other book, except that the Clerk shall cause to be printed in *The City Record* attendance roll calls of committee meetings. In addition, the Clerk shall report to Council the absence of members from Council meetings and shall perform such other and further duties as may from time to time by Charter, statute or ordinance be required of the Clerk.

Rule 12-1. Committee on Council Personnel and Operations. Not later than the fourth meeting of the Council after its organization, the President of Council shall appoint six (6) members to a Committee on Council Personnel and Operations. In addition to the appointed members, the President of Council shall also be member of the committee. The committee shall consider personnel and operational issues of Council, such as staffing levels, hiring of staff, and technical and operational matters pertaining to the offices of Council. Upon a vacancy in Council's staff, the Clerk of Council shall notify all members of such vacancy and the President of Council shall convene a meeting of the Committee on Council Personnel and Operations to discuss the vacancy. Prior to filling any staffing vacancy or newly created position, the Clerk of Council shall forward the name of the proposed employee to be hired and the position to be filled to the members of Council. Within thirty (30) days following the completion of the employee's first ninety days of employment, the committee shall report its recommendation on retaining the employee to Council for a roll call vote of the Council for which a majority vote must be received.

Rule 12-2. The City Record. The City Clerk, as editor of *The City Record*, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and printing of *The City Record*.

(a) The title of all ordinances and resolutions shall be confined to a brief statement of the subject matter of the bill and shall be printed in bold face type.

(b) Preambles or "whereas" in ordinances and resolutions shall be restricted to one emergency preamble required by the Charter, except where a whereas is an essential part of the ordinance or resolution.

(c) Ordinances of a general or permanent nature shall, in their preparation, be divided into short sections, wherever practicable, in order to permit amendments being made without printing so much of the original ordinance.

(d) The practice of introducing resolutions of condolence and congratulatory resolutions shall be recorded by number and reserved for cases of death of outstanding citizens or occasion of great civic importance. In lieu of such resolution of condolence the Clerk shall have prepared a suitable memorial which shall be sent to the relatives of the deceased and *The City Record* shall contain the request of the member of Council for such memorial and the fact that such memorial has been sent.

(e) The minutes and proceedings of administrative boards shall be prepared in abstract form and be printed in six (6)-point type in *The City Record*.

(f) Once each year, there shall be prepared for distribution or printed in *The City Record* a cumulative subject index covering the proceedings of the Council.

Rule 13. Sergeant-at-Arms. The Council shall appoint a Sergeant-at-Arms who shall be in attendance at all meetings of Council. The Sergeant-at-Arms, under the direction of the presiding officer, shall preserve order in the Council Chamber and adjoining rooms, and in the manner to be prescribed by ordinance shall compel the attendance of absent members.

III. COMMITTEES OF COUNCIL

Rule 14. Standing Committees. Not later than the fourth meeting of the Council after its organization, the President of Council shall appoint one (1) standing committee of eleven members; four (4) standing committees of nine (9) members each; and six (6) standing committees of seven (7) members each of whom the first named members shall be chair and the second named shall be vice-chair. All committee appointments, made under this Rule, including that of chair and vice-chair, the vice-chair shall preside until the chair appears, and shall discharge all the duties and be clothed with all the powers of the chair during such absence. In the absence of the chair and the vice-chair and a quorum being present, a temporary chair shall be selected by a majority vote of the members present who shall preside until the chair or vice-chair appears and the temporary chair shall discharge all the duties and be clothed with all the powers of the chair during such absence.

A. The eleven member committee and its subject matter is as follows:

COMMITTEE ON FINANCE, to which shall be referred all ordinances, resolutions and other matters pertaining to finances, indebtedness, appropriations, the payment of monies not provided for by previous legislation, taxation and all matters pertaining to the Departments of Finance, Law and Personnel, the standardization of salaries and wages, union agreements, civil service, the pensioning of employees and the sale, lease or purchase of real estate.

B. The nine member committees and the subject matters that shall be referred to them shall be as follows:

a. COMMITTEE ON PUBLIC UTILITIES, to which are referred all ordinances, resolutions and other matters pertaining to the City's water supply, sewage disposal, municipal electrical light plant and all matters pertaining to the Department of Public Utilities, and all ordinances, resolutions and other matters pertaining to telecommunications, rates to be paid by the City to the public utility for street lighting or other utility services and to existing or proposed franchises including railway and railroad operations and the Regional Sewer District.

b. COMMITTEE ON PUBLIC SERVICE, to which shall be referred all ordinances, resolutions and other matters pertaining to streets and street uses, street and sewer improvements, switch track and pipe lines, elimination of grade crossings, street cleaning, waste collection and disposal, bridges and underpasses, taxes and assessments for sidewalks and street improvements, all banners across streets and all matters pertaining to the Department of Public Service.

c. COMMITTEE ON COMMUNITY AND ECONOMIC DEVELOPMENT, to which shall be referred all ordinances, resolutions and other matters pertaining to the redevelopment of blighted areas, the rehabilitation and conservation of property, the alleviation of the housing shortage and alum clearance, economic and industrial development, the Land Reutilization Program and all matters relating to the Departments of Community Development and Economic Development.

d. COMMITTEE ON PUBLIC SAFETY, to which shall be referred all ordinances, resolutions and other matters pertaining to police, fire, and emergency medical services and matters pertaining to the Boxing and Wrestling Commission, to the enforcement of the traffic code and off street parking and to inspection of buildings, and all matters pertaining to the Department of Public Safety, and to tag days.

C. The seven member committees and the subject matters that shall be referred to them shall be as follows:

a. COMMITTEE ON CITY PLANNING, to which shall be referred all ordinances, resolutions and other matters relating to city planning, the City Planning Commission and matters relating to zoning.

b. COMMITTEE ON HEALTH AND HUMAN SERVICES, to which shall be referred all ordinances, resolutions and other matters pertaining to public health, public charities, direct and work relief, city correctional and charitable institutions; and all matters pertaining to the Departments of Public Health and Welfare, Human Resources and Aging, and all matters pertaining to health, sanitation, unemployment, job training, air pollution control, lake and river pollution, smoke abatement and nuisances.

c. COMMITTEE ON LEGISLATION, to which shall be referred all ordinances, resolutions and other matters pertaining to county, state and federal legislation affecting the city annexations, redistricting, charter amendments and all initiative, referendum and recall petitions; all matters relating to courts; ordinances relating to licenses and those imposing fines, penalties, forfeitures or imprisonment, printing and advertising.

d. COMMITTEE ON AVIATION AND TRANSPORTATION, to which shall be referred all ordinances, resolutions and other matters pertaining to the municipally-owned airports and any and all matters concerning aviation; and all ordinances, resolutions and other matters pertaining to bridges, harbors, river and lake travel, public transportation and bus, limousine and taxicab operations and all matters pertaining to the Department of Port Control, the Regional Transit Authority and the Port Authority.

e. COMMITTEE ON PUBLIC PARKS, PROPERTY AND RECREATION, to which shall be referred all ordinances, resolutions and other matters pertaining to public parks, public places, public recreation, playgrounds and public beaches; to all public buildings not specifically related to or belonging to some department or division, including the City Hall, Public Auditorium, the Public Stadium, the city markets, and golf courses and cemeteries; to the purchase or sale of all property not specifically referred to another committee of this Council except for the Committee on Finance, and all matters pertaining to the Department of Parks, Recreation and Properties.

f. COMMITTEE ON EMPLOYMENT, AFFIRMATIVE ACTION AND TRAINING, to which shall be referred all ordinances, resolutions and other matters pertaining to the formulation and monitoring of job participation linkage for publicly funded development projects; the oversight of affirmative action policies, certification of minority and female business enterprises, and contract compliance within the affir-

mative action goals of the City; and the formulation of job training policies and performance monitoring of job training contracts.

Rule 14-1. Approval of Council of Appointments by Mayor. Whenever the approval of Council is required for appointments by the Mayor, the President of Council, upon request of the Mayor for approval of any appointment, shall forthwith appoint a select committee of five (5) members to which shall be referred the name of each person whose appointment is submitted for approval of Council. The select committee shall report to Council its recommendation thereon. Thereupon Council, as part of the appropriate order of business, shall proceed to vote upon the approval of each appointment; the question being "Shall the Council approve the appointment by the Mayor?" If a majority of all the members elected to Council vote aye, the Council shall approve such appointment.

Rule 14-2. Member Pro Tempore. In the event of the absence of a member from a published scheduled committee, the Council President, upon the request of the chair of the committee, may appoint a Councilmember to serve as a member pro tempore for purposes of that committee meeting. The appointment by the Council President of the member to that committee shall expire upon completion of that committee meeting. Upon appointing a member pro tempore, the Council President shall notify the members of Council of the appointment and shall cause such appointment to be reflected in the *City Record*.

Rule 14-3. Removal of Members from Committees. The President of Council, may for cause at any time, remove and replace any member or members of any standing committee established under Rule 14 or from any special committee or committees.

Rule 15. Committee Meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its regular meetings at the time and place fixed in the schedule, as prepared by the President of Council and Clerk of Council in conference with the chairs of the several committees.

Rule 15-1. Meeting. A committee meeting schedule shall be published by the Clerk. Should the chair of a committee find it necessary to hold the meeting at another time and place, the chair shall cause notice thereof to be given and posted at least twenty-four (24) hours before the new time fixed for the meeting. All committee meetings shall be open, and a record of the attendance of members of the committee and the action taken there, shall be kept by the secretary of the committee in a record provided for that purpose. Such record shall be kept on file with the Clerk of Council and open to public inspection as other public

records. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present.

Rule 15-2. Councilmember Absences.

Each absence of a committee member, not authorized by the chair for good cause, or the absence of the chair, not authorized by the President of Council for good cause, shall be deemed a violation of the Rules of Council under Section 29 of the Charter, punishable by a fine of one hundred dollars (\$100.00) for each unauthorized absence. For the purpose of this Subsection 15(b), but not for purposes of voting on recommendations to legislation, a committee member or chair thereof shall also be deemed absent if a committee member or chair reports to the committee meeting later than fifteen (15) minutes after the scheduled time for the commencement of said meeting or when after the commencement of said meeting leaves the meeting, except in case of necessity or emergency, without the authority of the chair or acting chair. Absence of a member of a committee from three (3) consecutive meetings, unless authorized by the chair of such committee, may upon the recommendation of such committee, cause the removal of such member from such committee by the President of Council.

Rule 15-3. Committee Room Seating. Seats at the table in the committee room shall be reserved for members of the committee, the Mayor and administrative officials having business before the committee, members of Council not members of the committee, persons specifically invited by the chair or by a vote of the committee, reporters, representatives of civic organizations and of organized labor, and it shall be the duty of the Clerk of committees to see to it that the foregoing precedence of seating is strictly followed.

Rule 15-4. Rules of Committees. Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to Council proceedings.

Rule 16. Reports. No ordinance, resolution, petition, or other matters referred to a committee for action shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting regularly called as provided for herein and no committee shall consider or hold a hearing on any proposed legislation until it has been introduced in Council and referred to the committee. The chair, upon motion of any member that shall not require a second, shall put

the question of the recommendation of approval or of approval when amended. If a majority of the members of the committee vote affirmatively, such legislation shall be reported forthwith to Council as "Recommended for Passage", but if a majority of the members of the committee vote negatively on such question, such legislation shall be reported forthwith to Council as a recommendation of adversal of such legislation. The vote on all matters before the committee shall be recorded in the minutes of the committee meeting. When a majority of a committee has reported, recommending or not recommending the passage, adoption or approval of the legislation under consideration, the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report.

Rule 17. Committee of the Whole.

Upon declaration by the Council President without objection or by motion of a Councilmember supported by a majority vote of Council, the Council shall resolve itself into a Committee of the Whole for the purpose of hearing from a person who is not a member of the Council, or for the purpose of considering business generally, or for the purpose stated in the motion. When the Council shall decide to go into Committee of the Whole, the regular officers shall continue to serve, without objection, otherwise the Council shall appoint a Chair to preside, and the presiding officer of the Council shall leave the chair. The rules of Council, in so far as practicable, shall be observed in the Committee of the Whole; however, a roll call of ayes and nays shall not be in order.

Rule 17-1. Joint Committee. When it is desired that legislation shall be considered by two or more standing committees jointly, a reference may be made by the President of Council to a joint committee comprised of the membership of said standing committees, which shall operate as a single committee. A quorum of a joint committee shall consist of a majority of the members thereof, counting membership in each committee separately, so that a member of each or two or more committees constituting such joint committee shall be counted once for each committee on which he/she is a member. A majority vote, similarly counted, shall be required for action by such joint committee. The President of Council shall determine the chair of the joint committee from the chair of the standing committees that make up the joint committee.

Rule 17-2. Subcommittee. When determined to be in furtherance of the legislative process, the chair of a standing committee and the President of Council may designate certain members of said standing committee to form a subcommittee thereof for the purpose of examining such matters as are identified by the chair and President at the time the subcommittee is formed. At the

completion of its work, the subcommittee shall report its findings to the entire standing committee or, in the discretion of the President of Council, the entire Council.

IV. DUTIES, PRIVILEGES AND DECORUM OF MEMBERS

Rule 18. Roll Call of Council.

Every member shall be seated at the time of roll call, otherwise the member shall not be recorded as present except upon order of Council. The Clerk shall publish in *The City Record* the names of the members present and absent.

Rule 19. Duty to Vote.

Every member present shall vote on all questions upon the call of the yeas, and nays, unless excused by the unanimous consent of the Council; except that no member shall vote on any question in which they are financially interested or which in any way involves personal or private rights. Any member present, unless so excused, or excused as above, who refuses to vote upon any question relating to the city government, upon which the member may vote, when the yeas and nays are being taken shall be guilty of contempt of the Council, and may, for such contempt, be censured by a majority vote of the Council or may be expelled from the Council by a vote of two-thirds of all the members of the Council pursuant to Section 29 of the Charter of the City of Cleveland.

Rule 20. Yeas and Nays. On the passage of every ordinance or resolution, and on the appointment of every officer, the vote shall be taken by yeas and nays, entered in full upon the records and published in the official journal. On any other question, the yeas and nays shall be entered upon the record on the request of any member. Upon the call of the yeas and nays, the Clerk shall call the names of members alphabetically and record the vote.

Rule 21. Change of Vote. Before the announcement of the vote on any question, the Clerk shall read the vote of each member so taken upon the demand of any member, at which time any member on account of error or for any other reason may change his/her vote; but no member shall be permitted to change his/her vote as recorded after the roll call has been verified and the result declared.

Rule 22. Recording of Vote of Absent Member.

Any member, having been unavoidably absent, may at the next meeting be permitted to have their vote recorded upon any question acted upon during such absence; provided such vote shall not change the result; and provided further that such member shall not be entitled to move a reconsideration of the question to be voted upon.

Rule 23. Right of Floor. When any member is about to address the Council the member shall rise and respectfully address the presiding

officer, and when recognized by the chair shall confine any comments to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under Rule 26.

Rule 24. Time Limitation of Speaking. No member shall be allowed to speak for a longer time than 4 minutes at any one time without the permission of Council. No member shall speak more than once on the same legislation until every other member desiring to speak on that legislation shall have had an opportunity to do so. Neither the Mayor nor any director may speak longer than 4 minutes upon the same motion, ordinance or question without the consent of Council.

Rule 25. Members Called to Order. If any member in speaking or otherwise transgresses the rules of the Council, the President shall call the offending member to order. The member so called to order shall immediately take his seat unless permitted by the President to explain. Any member may, by raising the point of order, call the attention of the President to such transgression. The President, without debate, shall decide the point of order. Every such decision of the President shall be subject to appeal to the Council upon motion with a second.

Rule 26. Right of Appeal. Any member may appeal to the Council from a ruling of the presiding officer. The member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote aye, the ruling of the chair is sustained; otherwise it is overruled.

Rule 27. Member May Read from Books, etc. Any member while discussing a question, may read from books, papers or documents any matter pertinent to the subject under consideration without asking leave; provided, however, that such reading shall be subject to and included within the time limitation prescribed in Rule 24.

Rule 28. Division of Question. If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member, shall divide the same; but a motion to strike out a provision and insert a substitute is not divisible.

Rule 29. Personal Privilege. Any member may rise to explain a matter personal to the member, and on

stating that it is a matter of personal privilege, the member shall be recognized by the President, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than 2 minutes of time unless extended by consent of the Council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

Rule 30. No Person, Other Than the Clerk and the Clerk's Assistants, Shall Be Permitted at the Clerk's Desk While the Yeas and Nays are Being Taken. No person, other than the Clerk and the Clerk's assistants, shall be permitted at the Clerk's desk while the yeas and nays are being taken.

V. MOTIONS

Rule 31. Purpose and Form. Motions shall be used only to expedite the orderly transaction at the business of Council and shall not be substituted for resolutions or ordinances. The form of all motions shall be "I move that" followed by the substance of the motion. No second shall be required for any motion except as specifically provided for in a rule, but upon demand of any member any motion shall be withdrawn by the maker before it has been amended or voted upon. When a motion is made the presiding officer shall state it before any debate shall be in order. All motions that have been entertained by the President of Council shall be entered upon the minutes.

Rule 32. Precedence of Motions. When a question is before the Council no motion shall be entertained except the following:

1. To adjourn.
2. To fix the hour of adjournment.
3. For the previous question.
4. To lay on the table.
5. To postpone to a day certain.
6. To postpone indefinitely.
7. To refer to a committee.
8. To amend.

These motions shall have precedence in the order indicated. The motion to adjourn and the motion for the previous question, shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

Rule 33. The Previous Question. The motion for the previous question shall require a majority vote of all members elected to Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of undebatable questions. When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main question be now put?" There shall be no further amendment or debate but pending amendments shall be put in their order before the main question. If the question, "Shall the main ques-

tion be now put?" be decided in the negative, the main question remains before the Council.

Rule 34. Motion to Lay on the Table. The motion to lay on the table shall dispose finally of the legislation against which it is invoked but a motion to lay a pending amendment to an ordinance or resolution on the table shall not carry the ordinance or resolution with it. A motion to lay on the table shall require a majority vote of all members elected to Council.

Rule 35. Motion to Postpone to a Day Certain. A motion to postpone to a day certain shall require a majority vote of the members present; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement but not upon the merits of the legislation; and may be amended by changing the date. Upon the arrival of the date to which postponed the legislation shall be considered in the regular order of business of that day.

Rule 36. Motion to Postpone Indefinitely. The motion to postpone indefinitely shall have the same effect as motion to lay on the table, and shall require a majority vote of all members elected to Council. Motion to postpone indefinitely shall not be reconsidered; shall be debatable and shall open the legislation to debate; may be renewed after intervening business and may not be amended or laid on the table, and shall be subject to previous question.

Rule 37. Reconsideration. After the decision of any question, any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting, provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all the members elected to Council. After a motion for reconsideration has once been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent of the members present.

VI. ORDINANCES AND RESOLUTIONS

Note: "The adoption of a resolution is the proper procedure for an informal enactment providing for the disposition of a particular item of business, while the passage of an ordinance is the proper procedure for the enactment of a regulation of a general or permanent nature." (19 R.C. L. 895; 46 C.J. 519; 29 O.A. 386).

Rule 38. Introduction. Ordinances and resolutions shall be introduced in the Council only in printed or written form, with the name of the member introducing the same endorsed thereon. No ordinance or resolution affecting the zoning reg-

ulations or the construction of public improvements within a particular ward shall be introduced in Council in the name of the member of Council from such ward except with that member's written permission prior to such introduction, and when the member's name shall be followed by the words "By departmental request", which shall be deemed not to imply agreement with the purpose of such legislation by reason of such sponsorship. Ordinances submitted by the initiative shall have endorsed thereon "Submitted by Initiative Petition".

Rule 38-1. Preparation of Legislation. In order that adequate time may be given to the preparation of legislation, members of Council shall present requests for legislation to the Law Department not later than 5:00 o'clock P.M. on the Friday preceding the meeting at which such legislation is to be introduced for first reading, and not later than 5:00 o'clock P.M. of the Wednesday preceding introduction of legislation for passage under suspension of the rules.

Rule 38-2. Request for Legislation. All legislation shall have indicated at the end thereof the date of preparation and the initials of the draftsman and typist; and all legislation originating in administrative departments shall contain in addition thereto the name of the head of the department or division for whom prepared and the name of the member of Council introducing such legislation shall be followed by the words "By request" in parentheses.

Rule 38-3. Request for Legislation for Passage Under Suspension of the Rules. The Clerk of Council shall not accept a request for legislation for passage on introduction under suspension of the rules unless furnished sufficient copies of such legislation to provide each member of Council therewith, together with a like number of copies of a statement by the Director of the requesting department setting forth the reasons requiring the immediate action thereon. A request for legislation for passage on introduction under suspension of the rules at the last meeting prior to the Summer recess of Council or at the final annual meeting of Council shall not be accepted by the Clerk of Council unless the required statement bears the approval of the President of Council. To the extent that circumstances permit all such legislation shall be considered informally by at least one committee of Council, to which such legislation would otherwise be referred.

Rule 39. Form of Ordinances. The enacting clause of all ordinances shall be "Be it ordained by the Council of the City of Cleveland," except those submitted by Initiative petition, which shall be "Be it ordained by the people of the City of Cleveland." All ordinances before introduction shall be in typewritten form, with two additional copies, on the forms to be provided by the City

Clerk. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution, or section revised or amended, and the original ordinance, resolution, section, or sections so amended shall be repealed.

Rule 40. Emergency Ordinances. If any emergency ordinance or resolution fails to receive a two-thirds affirmative vote of all members elected to Council, such measure shall cease to be before the Council as an emergency measure and shall have the standing that a measure would have had if it had not been read as an emergency measure.

Rule 41. Reference to Committee. All ordinances and resolutions shall be read by title on the day when introduced, unless such reading is dispensed with by a two-thirds vote; and unless otherwise ordered by the Council shall be referred by the presiding officer to the appropriate committee or committees, which reference shall be announced forthwith by the Clerk. The committee or committees to which the legislation is so referred shall, after due consideration and at least one public hearing, propose any amendments with recommendations for approval or disapproval. When so reported, such ordinance or resolution shall, unless otherwise ordered, be read a second time and laid over until the next meeting of the Council, when the same shall be read a third time and a vote taken thereon. The Council shall act upon no ordinance or resolution except a resolution of condolence or one of an extreme emergency nature, until it has been referred to and reported upon by a committee or committees of Council.

Rule 41-1. Re-reference to Committee. Any pending legislation may, by a vote of a majority of the members elected to Council or by declaration of the Council President without objection, be referred to any committee to which previously referred under these rules, or to any appropriate committee designated in the motion to re-refer. When referred back to the Council, such legislation shall have the same standing as it had at the time when re-referred.

Rule 42. Reference to More Than One Committee. Whenever any pending matter is referred to more than one committee for consideration and report, said committee may consider the same in joint session as a joint committee, if the chairs of the committees concerned consent thereto. The chair of the committee first named shall preside at such joint sessions, and each member of the joint committee shall have one vote for each committee of which he/she is a member composing the joint committee. A majority of the members of each of the separate committees shall constitute a quorum of such committee and the vote shall be taken by roll call of each of the separate committees constituting

the joint committee. Its report shall be made in the same manner and under the same rules as reports are made by standing committees.

Rule 42-1. Relieving Committees. Any committee to which an ordinance or resolution has been referred under Rule 41 or re-referred under Rule 41-1, may be relieved of further consideration of such legislation by a motion duly made and adopted by a two-thirds vote of all members elected to Council or by the chair of the committee to which the legislation has been referred with the consent of the Council President.

Rule 43. Three Readings. No ordinance or resolution shall be passed until it has been read on three separate days; unless the reading on three separate days has been dispensed with by a two-thirds vote of all members elected to Council. The final reading shall be in full unless a written or printed copy of the measure shall have been furnished to each member of the Council prior to such reading. Copies of all first reading ordinances and resolutions to be introduced for passage and adoption under suspension of the rules and without reading on three separate days shall be placed on the members' desks within the Council Chambers prior to a vote being taken on the ordinance or resolution. When it is desired to suspend this and rule 41 in order to permit the passage of legislation upon introduction the question on the motion for such suspension shall be as follows: "Shall the Charter and statutory provisions and rule 43 requiring reading on three separate days and rule 41 requiring reference to committees be dispensed with and Ordinance No. ... (Resolution No. ...) be placed on final passage?" If two-thirds of all the members elected to Council vote aye, the Charter, statutory and rule requirements requiring reading on three separate days and reference to committees shall be suspended. As an exception to the foregoing, resolutions of condolence and congratulatory resolutions shall be read by title only and adopted viva voce or by rising vote.

Rule 43-1. Copies Required for Suspension of Rule 43. No ordinance of a general nature or imposing penalties which has not been referred to a committee of Council, shall be passed under suspension of the rules unless a copy of such ordinance shall have been placed on the desk of each member prior to the passage of such ordinance under suspension of Rule 43.

Rule 44. Appropriation Ordinances. Ordinances making appropriations shall be confined to the subject of appropriation. No money shall be appropriated except by ordinance. All ordinances for fixing a tax rate, the appropriation of money, the issuance of bonds, the transfer of money to any fund, or the payment of claims; and all resolutions and ordinances whereby the city shall become liable for the payment of

any money, shall be referred without debate to the finance committee for consideration and report; unless this requirement shall be suspended by two-thirds of all the members elected. The vote of each suspension shall be taken by yeas and nays and entered on the record.

Rule 45. Substitute Legislation. Legislation dealing with the same subject matter may be substituted for any pending ordinance or resolution by a majority vote of all the members elected to Council, upon the recommendation of any committee to which such legislation has been referred. Substitute legislation shall be subject to all the provisions of the Charter and rules applying to ordinances on first reading, and the legislation for which such substitute is offered shall be laid upon the table as a final disposition thereof. Before accepting for introduction any substitute legislation, the author of the original legislation shall be given notice thereof by the Clerk of Council.

Rule 46. Ordinances Fixing Fines and Penalties. All ordinances imposing fines, penalties, forfeiture or imprisonment shall be referred to the Committee on Legislation, and the Director of Law shall be asked to give an opinion thereon.

Rule 47. Amendments. It shall be in order to amend an ordinance at any time when not in the hands of a committee; but if amended after its second reading, it shall again be read as the second reading thereof, and laid over for further and final action. A majority vote of all the members elected to Council shall be necessary for the adoption of an amendment to any legislation pending before the Council.

Rule 48. Adoption. All ordinances and resolutions shall require for passage or adoption a majority vote of all the members elected. The vote on their adoption shall be taken by yeas and nays and entered on the records of the meeting except as otherwise provided in these rules.

Rule 49. Signing Ordinances and Resolutions. All ordinances passed and resolutions adopted by Council shall be signed by the President and presented forthwith to the Mayor by the Clerk.

Rule 50. Action on Mayor's Veto. When the Mayor refuses to sign an ordinance or resolution or part thereof and returns such ordinance or resolution to the Council with objections, pursuant to Section 37 of the Charter, the Council shall after the expiration of not less than one week following the meeting at which such vetoed ordinance or resolution is returned, proceed to reconsider the same. After the adoption of the motion so to reconsider, the question shall be stated as follows: "Shall Ordinance No. (Resolution No.) be passed (or adopted) notwithstanding the veto of the Mayor? Those voting aye vote to override the Mayor's veto. Those voting nay

vote to sustain the Mayor's veto." If two-thirds of all the members elected to Council vote aye, such ordinance or resolution vetoed by the Mayor shall take effect without the Mayor's signature.

VII. ADMINISTRATIVE OFFICERS

Rule 51. Attendance Required. The Mayor and the directors of all departments shall be required to attend the regular and special meeting of Council and shall be provided with seats on the floor of the Council. They shall be required, at any such meeting, to answer such questions relating to the affairs of the city under their respective supervision and control as may be put to them by any member of the Council.

Rule 52. Reports of City Officers. All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor shall, in addition to being referred to the proper committees, be also referred to such respective administrative officers for recommendation and report. Not later than thirty (30) days after reference to the administrative officer or officers as the case may be each ordinance, resolution, or communication so referred shall be returned to the Clerk of Council with the endorsement of each such administrative officer's approval or disapproval of such matter so referred. It shall be the duty of the Clerk of Council to enforce this rule rigidly. The Clerk shall use all diligence in seeing that departments to which measures are referred return them to the Clerk's office within the time fixed herein.

Rule 52-1. Mandatory Referral of Legislation. Mandatory referral of legislation under Section 76-3 of the Charter shall be deemed to include the following matters:

1. Zoning or other regulations of land use.
2. Acquisition or lease of land for public uses.
3. Sale or lease of publicly owned lands.
4. Vacation or dedication of streets or alleys.
5. Street widening or street extensions.
6. Permits for private uses of streets or public property.
7. Determining to proceed with public improvements.
8. Requests for studies or plan preparation.
9. Bond issues for capital improvements.
10. Housing.

A request for an additional thirty (30) day period for further consideration may be granted by the President of Council if the application for such extension is submitted to the President before the expiration of the thirty (30) day period allowed by Section 76-3 of the Charter. No further extension of time shall be allowed except upon motion of a

member of Council adopted by a majority vote of all the members present. Such request shall be filed with the Clerk of Council.

Rule 52-2. Mutilation of Legislation. No alteration, change, erasure or mark shall be made upon any piece of legislation by any person except the Clerk of Council and then only pursuant to an amendment thereto made by Council pursuant to Rule 47. Nothing shall be physically attached to any piece of legislation after introduction thereof except the fiscal certificate required by Section 106 of the Charter nor shall any endorsement appear upon any legislation except that of the head of the department or office to which referred or the person duly authorized by such head. Reports of subordinates to the heads of departments or other pertinent data or reports may be filed with such legislation if referred to in the official reports endorsed upon the back of such piece of legislation.

VIII. COUNCIL CHAMBER

Rule 53. Use of Council Chamber. The Council Chamber shall be used only for meetings of the Council or committees thereof, except where the Council by vote authorizes its use by persons other than city officials. The Clerk, with the written approval of the President of Council, may permit other public officials to use the Council Chamber on public business, when not in use by the Council or committees.

Rule 54. Privileges of Floor. No person except members or former members of the Council, officers named in the rules, reporters and persons invited by the President of Council or by vote of the Council shall be admitted within the bar of the Council chamber, and the Sergeant-at-Arms shall cause this rule to be rigidly enforced.

IX. RULES, SUSPENSION, AMENDMENT AND OTHER

Rule 55. Suspension of Rules. Any provision of these rules may be suspended at any meeting of the Council, by a majority vote of all the members elected, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.

Rule 56. Amending Rules. These rules may be amended, or new rules may be adopted by a majority vote of all members elected to the Council, on the report of the committee formed for such purpose.

Rule 57. Other Rules. Except as herein otherwise provided, the proceedings of the Council shall be governed by the City Charter, the Codified Ordinances of the City of Cleveland, and Robert's Rules of Order, and it shall be the duty of the presiding officer to adhere to and enforce such rules.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 645-06.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 405.023, relating to the issuance of continuous violation tickets to continuous parking infraction offenders, and to amend Sections 405.02, 443.19, 459.01, 459.03, 459.05, 459.06, 459.08, and 459.11, as enacted and amended by various ordinances, to authorize the impoundment of vehicles when there are four or more parking infraction judgments, to redefine "parking infraction" and "law enforcement officer", to require the payment of all outstanding fines before releasing a vehicle, and to make other amendments to enhance parking enforcement, for the Clerk of the Cleveland Municipal Court.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 405.023 to read as follows:

Section 405.023 Continuous Violation Tickets

(a) No person shall stand or park a vehicle in continuous violation of any parking infraction offense.

(b) Any person authorized to issue parking infraction tickets who observes that a vehicle has been parked for two hours or more in continuous violation of a parking infraction offense may issue a second parking infraction ticket served in accordance with Chapter 459.

(c) No vehicle found standing or parked in continuous violation of any parking infraction offense shall be ticketed more than twice per calendar day for the same infraction in the same location.

Section 2. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 405.02, as amended by Ordinance No. 1593-2000, passed December 18, 2000;

Section 443.19, as enacted by Ordinance No. 1684-76, passed June 29, 1976;

Section 459.01, as amended by Ordinance No. 1491-01, passed August 3, 2005;

Section 459.03, as amended by Ordinance No. 1882-86, passed July 17, 1986;

Section 459.05, as amended by Ordinance No. 1995-84, passed September 5, 1984;

Section 459.06, as amended by Ordinance No. 446-90, passed June 4, 1990;

Section 459.08, as amended by Ordinance No. 1745-85, passed June 24, 1985; and

Section 459.11, as amended by Ordinance No. 1491-01, passed August 3, 2005,

are amended to read, respectively, as follows:

Section 405.02 Impounding of Vehicles

Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

(a) When any vehicle is left unattended upon any street, alley or bridge and constitutes an unreasonable hazard or obstruction to the normal movement of traffic or unreasonably interferes with street cleaning or snow removal operations, or when any vehicle is left on any street or public property for more than seventy-two hours.

(b) (1) Upon complaint of any person adversely affected, when any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 4513.63 of the Revised Code, has been left on private residential or agricultural property as defined in Section 4513.60 of the Revised Code for more than four hours without the permission of the person having the right to the possession of the property. (RC 4513.60(A)(1))

(2) When any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 4513.63 of the Revised Code, has been left on a public street or other property open to the public for the purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place. (RC 4513.61)

(3) When any motor vehicle is an abandoned junk motor vehicle as defined in Section 4513.63 of the Revised Code and removal is authorized by that Section. (RC 4513.63)

(4) When any junk motor vehicle as defined in Section 4513.65 of the Revised Code has not been either covered by being housed in a garage or other suitable structure, or removed from the property, within ten days of the date of receipt of a notice meeting the requirements of division (b) of Section 451.27 by the person having the right to possession of the property on which the junk motor vehicle is left. (RC 4513.65)

(c) When any vehicle has been stolen or operated without the consent of the owner.

(d) When any vehicle is parked on any street or other public property and displays illegal plates or fails to display the current lawfully required license plates.

(e) When any vehicle has been used in or connected with the commission of procuring, soliciting, prostitution, soliciting drug sales in violation of Section 607.20, or any felony.

(f) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code, whereby its continued operation would constitute a condition hazardous to life, limb or property.

(g) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.

(h) When any vehicle has been operated by any person who failed to stop in case of accident or collision.

(i) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked.

(j) When any vehicle is found standing or parked in violation of the provisions of Section 451.04, 451.05, 451.06, 451.11, 451.13, 453.01, 453.02, 455.05, 455.06 or 455.07 of these Codified Ordinances and such vehicle has four or more of any combination of:

(1) unpaid parking infraction judgments, and/or

(2) notices of liability under Section 413.031 for red light or speeding violations, provided that the notices of liability under Section 413.031 are not on appeal, and/or

(3) previously issued outstanding criminal citations or notices of violation of any of the provisions of the Traffic Code.

(k) When any vehicle constitutes an unreasonable hazard to persons or property at the scene of a fire, accident, disaster, riot or emergency of any kind.

(l) When any vehicle is found standing or parked in violation of the provisions of Sections 451.03, 451.041, 451.08 through 451.10, 451.12, 451.15 through 451.25, division (e) or division (f) of Section 451.33, or division (a) of Section 461.15.

(m) When any vehicle is ordered immobilized pursuant to Chapters 4503., 4507. or 4511 of the Revised Code.

(n) When any vehicle that is subject to an order of immobilization and impoundment under Section 4503.233 of the Revised Code is found being operated on any street or highway.

(o) When any vehicle:

(1) displays license plates that are associated with four or more of any combination of unpaid parking infraction judgments and/or notices of liability under Section 413.031 for red light or speeding violations, provided that the notices of liability under Section 413.031 are not on appeal, and

(2) the vehicle is found standing or parked on any street or highway in the Central Business District, without regard to whether any parking infraction is being committed at the time. As used in this division, "Central Business District" has the same meaning as in Section 325.12 of the Codified Ordinances.

443.19 Renewal of Drivers' Licenses

All renewals of drivers' licenses shall be in accordance with the procedure prescribed by the Commissioner of Assessments and Licenses.

No driver's license shall be renewed under this chapter unless the applicant has first paid all parking infraction judgments and default judgments and all notices of liability under Section 413.031 for red light or speeding violations, provided that the notices of liability under Section 413.031 are not on appeal, that are owed by applicant.

Section 459.01 Definitions

The following words and phrases, when used in this Chapter of the Traffic Code, shall have the meanings respectively ascribed to them by this section.

(a) "Parking Infraction" means a violation of the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

203.08 Parking Waste Collection Vehicles;
343.20 Service Station Parking Restrictions;

405.023 Continuous Violation Tickets;

451.03 Statutory Prohibited Standing or Parking Places;

451.04 Manner of Parallel Parking;

451.041 Physically Handicapped Parking division (h) only;

451.05 Manner of Angle Parking;

451.08 Narrow Roadways and Alleys;

451.09 Hydrant Side of Street;

451.10 Hazardous Traffic Obstructions;

451.11 Hospital Grounds;

451.12 City Property;

451.13 Distance from Theaters;

451.15 Fire Lanes on Public and Private Property;

451.16 Street Cleaning;

451.17 Snow Emergency;

451.18 Bus Stops and Taxi Cab Stands;

451.19 Motor Carriers;

451.20 Truck Zones;

451.21 Trucks and Commercial Vehicles;

451.22 Between Sidewalk and Set-back Line;

451.23 Tree Lawn and Private Driveway;

451.24 Private Driveway or Private Property;

451.25 Abandoned Vehicles;

451.28 Reserved Street Parking for U.S. Marshal;

451.33 Valet Parking/Passenger Drop off-Pick up Zones Established; Violations, divisions (e) and (f) only;

453.01 Parking Regulations in Parking Meter Zones;

453.02 Parking Violations;

455.05 Parking Regulations;

455.061 Reserved Parking Spaces at Willard Park Garage;

455.07 Violations, divisions (a), (b), (c) and (d) only;

461.15 Prohibitions, division (a) only; and

571.37 Parking Areas; of the Codified Ordinances.

(b) "Vehicles" has the same meaning as in Section 4511.01 of the Revised Code.

(c) "Violations Clerk" means the Clerk of the Cleveland Municipal Court.

(d) "Parking Violations Bureau" means the bureau established by the Council of the City of Cleveland pursuant to Section 4521.04 of the Revised Code and Section 459.03 hereof.

(e) "Law Enforcement Officer" has the same meaning as in **division (k) of Section 601.01 of these codified ordinances** and shall also mean employees of the City whose duties include the issuance of parking infraction tickets while engaged in such duty.

(f) "Notification of Infraction" means the notice mailed to the

owner or operator of a vehicle involved in a parking infraction pursuant to Section 4521.07 of the Revised Code and Section 459.06 hereof.

(g) "Rush Hour Parking Infraction" means a violation of division (n) of Section 451.03 of **these codified ordinances**, occurring on the streets and roadways and during the times specified in Rule Nos. 3, 3-A, 3-B, 4, and 4-A adopted by the Director of Public Safety, as the same may be amended from time to time.

(h) "Court" or "Municipal Court" means the Cleveland Municipal Court, unless specifically identified as another court, in which case it means the specifically identified court.

Section 459.03 Parking Violations Bureau

(a) The City of Cleveland Parking Violations Bureau is hereby established pursuant to RC 4521.04. The Parking Violations Bureau shall be within the office of the Clerk of the Cleveland Municipal Court. The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the territory of the City of Cleveland. Notwithstanding any other provision of law to the contrary, each parking infraction that occurs within the jurisdiction of the Parking Violations Bureau and the enforcement of each such parking infraction shall be handled pursuant to and be governed by the provisions of this Chapter.

(b) The operating costs of the Parking Violations Bureau shall be paid by the City of Cleveland. The Clerk of the Cleveland Municipal Court is hereby appointed as the Violations Clerk of the Parking Violations Bureau, with authority to appoint deputy clerks, hearing examiners and necessary clerical employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer.

(c) The fine, penalties, fees, and costs established for a parking infraction shall be collected, retained and disbursed by the Violations Clerk if the parking infraction out of which the fine, penalties, fees and costs arose occurred within the jurisdiction of the Parking Violations Bureau. The Violations Clerk shall provide tickets for parking infractions to law enforcement officers in the Division of Police upon requisition of the Chief of Police and shall also provide tickets for parking infractions upon requisition of the director or commissioner of any other department or division which has employees whose duties include the issuance of parking infraction tickets. Any person requisitioning tickets shall account to the Violations Clerk for all tickets requisitioned at such times as the Violations Clerk shall request. The fine, penalties, fees, and costs collected by the Violations Clerk for a parking infraction shall be disbursed by

the Violations Clerk to the City of Cleveland.

(d) The Clerk of Court shall have authority to contract with any non-governmental entity to provide services in processing, collecting, and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this Chapter. No contract shall affect the responsibilities of hearing examiners as prescribed in this Chapter, or the ultimate responsibility of the Violations Clerk to collect, retain, and disburse fines, penalties, fees, and costs for parking infractions and monies paid in satisfaction of judgments and default judgments entered pursuant to this Chapter. All contracts entered into by the Clerk of Court shall be subject to approval of City Council.

(e) The Director of Law and the Director of Finance are each authorized to enter into contract on behalf of the Clerk of the Cleveland Municipal Court for the collection of unpaid parking infraction judgments and default judgments. In addition to any other fees or charges authorized by these codified ordinances in relation to the commission of a parking infraction, the judgment debtor on unpaid parking infraction judgments or default judgments may be assessed an amount equal to the costs paid by the City to any vendor for the costs of collection of the debt.

Section 459.05 Answers; Procedures

(a) A person who is personally or constructively served with a parking ticket charging the commission of a parking infraction may answer the charge by appearing personally before the Parking Violations Bureau or by mail. An answer shall be made within fifteen days from the date of the infraction, and shall be in one of the following forms:

(1) An admission that the person committed the parking infraction, by payment of any fine arising out of the parking infraction;

(2) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the parking infraction;

(3) A denial that the person committed the parking infraction and a request for a hearing relative to the infraction. If the person desires the presence, at the hearing, of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.

(b) (1) A person who admits that he committed a parking infraction shall, and a person who admits that he committed a parking infraction with explanation may, when he makes his answer, pay the fine arising out of the infraction admitted to the Violations Clerk of the Parking Violations Bureau.

(2) A person who admits that he committed a parking infraction with explanation shall submit evidence to the Parking Violations Bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in

person or, to avoid the necessity of personal appearance, may be sent as affidavits and other documentary evidence, by mail. The Parking Violations Bureau, when it receives an answer admitting that a person committed a parking infraction with explanation, shall promptly determine whether the explanation mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the Parking Violations Bureau determines that the explanation mitigates the fact that the person committed the parking infraction, the Parking Violations Bureau shall eliminate or reduce the amount of the fine arising out of the parking infraction. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the Parking Violations Bureau determines that the explanation does not mitigate the fact that the person committed the parking infraction, the person owes the entire amount of the fine arising out of the parking infraction, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits that he committed a parking infraction with explanation and the person fails to pay the amount of the fine due within ten days after receiving notice of the Parking Violations Bureau's determination, unless the amount due has previously been paid, the Parking Violations Bureau's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to Division (b) of Section 459.07 hereof.

(3) A person who denies that he committed a parking infraction shall be granted a hearing concerning the infraction. The Parking Violations Bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau in accordance with Section 459.07 hereof.

(c) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in Division (a) of this Section, the Parking Violations Bureau shall issue the proper notifications of infraction pursuant to Section 459.06 hereof, and proceed according to that Section. Failure to answer the charge within the fifteen day period provided by Division (a) of this Section, shall result in the imposition of an additional penalty of **ten dollars (\$10.00)**.

(d) The issuance of a parking ticket, the filing of or failure to file an answer by a person personally or constructively served with the ticket, the substance of an answer, the

payment of any fine, penalty, fee, and cost, and any other relevant information shall be entered in the records of the Parking Violations Bureau.

Section 459.06 Failure to Answer

(a) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction in accordance with Section 459.04 hereof and the person fails to answer the charge within the time specified in Section 459.05 hereof, the Parking Violations Bureau shall send notifications of infractions as follows:

(1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

(b) A notification of infraction shall be sent within twelve (12) months after the expiration of the time specified in Section 459.05 hereof for the making of an answer, shall be sent by first class mail, and shall contain all of the following:

(1) An identification of the parking infraction with which the person was charged and the time and date of the parking infraction, which identification may be a copy of the parking ticket charging the parking infraction that was personally or constructively served upon the person;

(2) An identification of the amount of the fine, penalties, fees, and costs arising out of the parking infraction that are due;

(3) A warning that the person must answer the parking infraction charged in the ticket within thirty (30) days or a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person;

(4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Parking Violations Bureau if he denies in his answer that he committed the parking infraction;

(5) An identification of the manners in which and the entity to which an answer may be made;

(6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person.

(7) A warning that renewal or transfer of the registration of the

vehicle involved in the parking infraction, if the vehicle is registered in this state, may be denied as provided in RC 4521.10 for nonpayment of judgments or default judgments entered pursuant to this chapter.

(c) A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which he is charged that is identified in the notification of infraction in any of the manners provided in division (a) of Section 459.05 hereof for answers to parking infractions charged in a parking ticket. An answer under this section shall be made within thirty (30) days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in divisions (a) (1), (2), and (3) of Section 459.05 hereof for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty, fee, or cost arising out of such infraction also shall be paid. The answer shall be governed by the provisions of division (b) of Section 459.05 hereof for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation also shall consider any penalty, fee, or cost arising out of such infraction.

(d) If a person who is issued a notification of infraction pursuant to RC 4521.07, and division (c) of this section, fails to timely answer, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fine, penalties, fees, and costs due may be entered against the person. Failure to answer the parking infraction within thirty (30) days after the date on which the notification of infraction was mailed shall result in the imposition of an additional penalty of **fifteen dollars (\$15.00)**.

(e) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, and any other relevant information shall be entered in the records of the Parking Violations Bureau.

Section 459.08 Release of Impounded Vehicles

(a) Any vehicle which has been impounded pursuant to **divisions (j) or (l)** of Section 405.02 of these codified ordinances shall be released to the owner or other person lawfully entitled to possession upon the occurrence of one of the following:

(1) If an answer to the summons and complaint is made and the answer admits the commission of the infraction, payment of the fines and penalties prescribed by Sections 459.11, 459.05, and 459.06 hereof, towing, storage, and impound fees, and administrative fees and costs shall

be made with respect to the infraction for which the vehicle was impounded.

(2) If an answer to the summons and complaint is made and the answer admits with explanation the commission of the infraction, payment shall be made or a bond shall be posted or cash shall be deposited equal in amount to the payment specified in division (a)(1) of this section.

(3) If an answer to the summons and complaint is made and the answer denies the commission of the infraction, a bond shall be posted or cash shall be deposited equal in amount to the payment specified in division (a)(1) of this section.

(4) If no answer to the summons and complaint is made a bond shall be posted or cash shall be deposited equal in amount to the payment specified in division (a)(1) of this section, plus all potential additional penalties under Sections 459.05 and 459.06.

(b) No vehicle shall be released pursuant to this section unless the person claiming ownership or lawful possession pays:

(1) All unpaid parking infraction judgments and default judgments and all unpaid notices of liability under Section 413.031 for red light or speeding violations, provided that the notices of liability under Section 413.031 are not on appeal, that are owed by the person claiming the vehicle; and

(2) All unpaid judgments or default judgments for parking infraction offenses and all unpaid notices of liability under Section 413.031 for red light or speeding violations, provided that the notices of liability under Section 413.031 are not on appeal, that were committed with any vehicle that had the same license plate number as the vehicle being claimed.

(c) No vehicle shall be released pursuant to this section unless the person claiming ownership or lawful possession produces proof of identity and ownership

(d) Any bond posted or cash deposited for the release of a vehicle under this section shall not exceed one thousand dollars (\$1,000.00).

Section 459.11 Parking Infraction Fines

(a) The fine for committing a parking infraction, unless another fine is established by divisions (b) or (c) of this section, is hereby established to be twenty dollars (\$20.00), except that the fine for a rush hour parking infraction shall be thirty dollars (\$30.00).

(b) The fine for violating each of the following sections of the Codified Ordinances of Cleveland, Ohio, 1976, whether or not committed during rush hour, is hereby established to be fifty dollars (\$50.00):

451.03 Statutory Prohibited Standing or Parking Places, division (e) only;

451.22 Between Sidewalk and Set-back Line;

451.23 Tree Lawn and Private Driveway, division (a) only;

451.241 Parking Vehicles on Vacant Lots Prohibited, division (b) only;

451.25 Abandoned Vehicles; and

451.17 Snow Emergency.

(c) The fine for violating each of the following sections of the Codified Ordinances of Cleveland, Ohio, 1976, whether or not committed during rush hour, is hereby established to be one hundred dollars (\$100.00):

451.21 Trucks and Commercial Vehicles, division (b) only;

451.041 Physically Handicapped Parking, division (h) only.

(d) The fine for violating the following section of the Codified Ord-

nances of Cleveland, Ohio, 1976, whether or not committed during rush hour, is hereby established to be two hundred and fifty dollars (\$250.00):

451.041 Physically Handicapped Parking, division (h) only.

Section 3. That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976: Section 405.02, as amended by Ordinance No. 1593-2000, passed December 18, 2000;

Section 443.19, as enacted by Ordinance No. 1684-76, passed June 29, 1976;

Section 459.01, as amended by Ordinance No. 1491-01, passed August 3, 2005;

Section 459.03, as amended by Ordinance No. 1882-86, passed July 17, 1986;

Section 459.05, as amended by Ordinance No. 1995-84, passed September 5, 1984;

Section 459.06, as amended by Ordinance No. 446-90, passed June 4, 1990;

Section 459.08, as amended by Ordinance No. 1745-85, passed June 24, 1985; and

Section 459.11, as amended by Ordinance No. 1491-01, passed August 3, 2005, are repealed.

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

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

Ord. No. 646-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sum opposite the name of the claimant.

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

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

Section 1. That the Director of Finance is authorized to pay as Moral Claims the sum opposite the name of the following claimant and charged against the fund number opposite the name of the claimant:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Public Safety Department - Police				
Gonzalez, Petra	11818	\$ 3,700.00	Police	01-600202-672000

Section 2. That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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

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

**Ord. No. 647-06.
By Council Member Sweeney (by
departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of scanning services, for the Division of Taxation, Department of Finance, for a period of one year with four one year options to renew.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements of the necessary items of scanning/imaging services, imaging software, associated licenses, installation, training and maintenance for a period of one year with four one year options to renew, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Taxation, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 127080)

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

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

**Ord. No. 648-06.
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 Cleveland Clinic Foundation to encroach into the public right-of-way of East 96th Street by installing, using, and maintaining a sloped walk exit ramp, sheet piling, a building corner, and below-grade areaways.

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 Cleveland Clinic Foundation, 9500 Euclid Avenue Cleveland Ohio 44195 ("Permittee"), to encroach into the public right-of-way beneath and above East 96th Street by installing, using, and maintaining a sloped walk exit ramp, sheet piling, a new building corner, and below-grade areaways, at the following locations:

**LEGAL DESCRIPTION
OF A PROPOSED
SLOPED WALK EXIT RAMP
ENCROACHMENT**

WITHIN EAST 96TH STREET
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being an area within East 96th Street, (66 feet wide) bounded and described as follows:

Beginning on the westerly line of East 96th Street at its intersection with the easterly prolongation of the northerly line of Cleveland Clinic Building FG; said point being distant South 01°-51'-26" West, 564.81 feet (as measured along said westerly line) from its intersection with the Southerly line of Euclid Avenue (80 feet wide). Thence South 01°-51'-26" West continuing along said westerly line, 46.03 feet to the principal place of beginning of the area of encroachment herein intended to be described:

Course No. 1: Thence South 89°-59'-52" East, 1.56 feet to a point;

Course No. 2: Thence South 00°-00'-08" West, 29.00 feet to a point;

Course No. 3: Thence North 89°-59'-52" West, 2.50 feet to a point in the aforesaid westerly line of East 96th Street;

Course No. 4: Thence North 01°-51'-26" East, along said westerly line, 29.02 feet to the principal place of beginning, containing 59 square feet, (0.0014 Acres) of land, according to a survey by Garrett and Associates, Inc., Registered Engineers & Surveyors and proposed building plans, be the same more or less, but subject to all legal highways.

L06-06

**LEGAL DESCRIPTION
OF A PROPOSED
NEW BUILDING ENCROACHMENT
WITHIN EAST 96TH STREET**

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being an area within East 96th Street, (66 feet wide) bounded and described as follows:

Beginning on the westerly line of East 96th Street at its intersection with the easterly prolongation of the northerly line of Cleveland Clinic Building FG; said point being distant South 01°-51'-26" West, 564.81 feet (as measured along said westerly line) from its intersection with

the Southerly line of Euclid Avenue (80 feet wide).

Course No. 1: Thence North 01°-51'-26" East, along said westerly line, 61.74 feet to its intersection with the proposed easterly face of the proposed new Glickman Tower;

Course No. 2: Thence South 00°-01'-48" East, along said proposed easterly face, 57.95 feet to an inner corner therein;

Course No. 3: Thence South 56°-20'-24" East, continuing along a proposed face of said new building, 3.17 feet to a corner thereof;

Course No. 4: Thence South 00°-01'-48" East, 2.00 feet to a proposed southeasterly corner thereof;

Course No. 5: Thence South 89°-58'-12" West, along the proposed southerly face thereof, 4.67 feet to the place of beginning, containing 70 square feet, (0.0016 Acres) of land, according to a survey by Garrett and Associates, Inc., Registered Engineers & Surveyors and proposed building plans, be the same more or less, but subject to all legal highways.

L06-06.A

**LEGAL DESCRIPTION OF A
PROPOSED ENCROACHMENT
FOR BELOW-GRADE AREAWAYS
WITHIN EAST 96TH STREET**

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being an area within East 96th Street, (66 feet wide) bounded and described as follows:

Beginning on the westerly line of East 96th Street at its intersection with the easterly prolongation of the northerly line of Cleveland Clinic Building FG; said point being distant South 01°-51'-26" West, 564.81 feet (measured along said westerly line) from its intersection with the Southerly line of Euclid Avenue (80 feet wide). Thence North 01°-51'-26" East along said westerly line, 66.37 feet to the principal place of beginning of the area of encroachment herein intend to be described:

Course No. 1: Thence North 01°-51'-26" East, continuing along said westerly line, 25.01 feet to a point;

Course No. 2: Thence North 89°-58'-12" East, 10.34 feet to a point;

Course No. 3: Thence South 00°-01'-48" East, 12.00 feet to a point;

Course No. 4: Thence South 89°-58'-12" West, 4.16 feet to a point;

Course No. 5: Thence South 00°-01'-48" East, 13.00 feet to a point'

Course No. 6: Thence South 89°-58'-12" West, 7.00 feet to the principal place of beginning, containing 215 square feet, (0.0049 Acres) of land, according to a survey by Garrett and Associates, Inc., Registered Engineers & Surveyors and proposed building plans, be the same more or less, but subject to all legal highways.

L06-06.B

**LEGAL DESCRIPTION OF A
PROPOSED ENCROACHMENT
FOR A BELOW-GRADE AREAWAY
WITHIN EAST 96TH STREET**

Situating in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being an area within East 96th Street, (66 feet wide) bounded and described as follows:

Beginning on the westerly line of East 96th Street at its intersection with the easterly prolongation of the northerly line of Cleveland Clinic Building FG; said point being distant South 01°-51'-26" West, 564.81 feet (measured along said westerly line) from its intersection with the Southerly line of Euclid Avenue (80 feet wide). Thence North 01°-51'-26" East along said westerly line, 106.89 feet to the principal place of beginning of the area of encroachment herein intended to be described:

Course No. 1: Thence North 01°-51'-26" East continuing along said westerly line, 17.51 feet to a point;

Course No. 2: Thence North 89°-58'-12" East, 5.42 feet to a point;

Course No. 3: Thence South 00°-01'-48" East, 17.50 feet to a point;

Course No. 4: Thence South 89°-58'-12" West, 6.00 feet to the principal place of beginning, containing 100 square feet (0.0023 Acres) of land, according to a survey by Garrett and Associates, Inc., Registered Engineers & Surveyors and proposed building plans, be the same more or less, but subject to all legal highways.

L06-06.C

LEGAL DESCRIPTION
OF A PROPOSED ENCROACHMENT
FOR SHEET PILING WITHIN
EAST 96TH STREET

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being an area within East 96th Street, (66 feet wide) bounded and described as follows:

Beginning on the westerly line of East 96th Street at its intersection with the easterly prolongation of the northerly line of Cleveland Clinic Building FG; said point being distant South 01°-51'-26" West, 564.81 feet (measured along said westerly line) from its intersection with the Southerly line of Euclid Avenue (80 feet wide) to the principal place of beginning of the area of encroachment herein intended to be described:

Course No. 1: Thence North 01°-51'-26" East along said westerly line, 129.07 feet to a point;

Course No. 2: Thence North 89°-58'-12" East, 14.10 feet to a point;

Course No. 3: Thence South 00°-01'-48" East, 68.00 feet to a point;

Course No. 4: Thence South 89°-58'-12" West, 8.31 feet to a point;

Course No. 5: Thence South 00°-01'-48" East, 66.00 feet to a point;

Course No. 6: Thence North 89°-58'-12" West, 10.20 feet to the aforesaid westerly line of East 96th Street;

Course No. 7: Thence North 01°-51'-26" East, along said westerly line, 5.00 feet to the principal place of beginning, containing 1636 square feet (0.0376 Acres) of land, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors and proposed building plans, be the same

more or less, but subject to all legal highways.

L06-06.D

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Public Service. 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 encroachment(s).

Section 3. 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 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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. 649-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various medical supplies and equipment, for the Division of Emergency Medical Service, Department of Public Safety for the period of one year, with one option to renew for an additional one year term.

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year, with one option to renew for an additional one year term, of the necessary items of various medical supplies and equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Sup-

plies on a unit basis for the Division of Emergency Medical Service, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 163534)

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

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

Ord. No. 650-06.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Zoll Data Systems for the purchase of maintenance, including upgrades of RescueNet EMS Pro necessary to produce patient care run reports and for billing, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Zoll Data Systems. Therefore the Director of Public Safety is authorized to make one or more written contracts with Zoll Data Systems on the basis of its proposal dated January 26, 2006, for maintenance, including upgrades of RescueNet EMS Pro necessary to produce patient care run reports and for billing, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600402-661600, Request No. 163537.

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

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

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

Ord. No. 651-06.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Stryker Medical for maintenance on patient cots and stair chairs on rescue squads, for the Division of Emergency Medical Service, Department of Public Safety, for a period of one year.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Stryker Medical. Therefore the Director of Public Safety is authorized to make one or more written contracts with Stryker Medical on the basis of its proposal dated January 10, 2006, for maintenance on not to exceed 37 patient cots and not to exceed 21 stair chairs on rescue squads to be purchased by the Commissioner of Purchases and Supplies, for the Division of Emergency Medical Service, Department of Public Safety, for a period of one year.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600402-661200, Request No. 163512.

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

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

Ord. No. 652-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Lexington Avenue to Thomas Albert Ruffin and Pauline Ruffin.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of

Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-14-001 and 106-14-100, as more fully described below, to Thomas Albert Ruffin and Pauline Ruffin.

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

P. P. No. 106-14-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 36, 38 and 40 in Samuel B. Strang's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 65th Street (formerly Norwood Street), at its point of intersection with the Southerly line of Lexington Avenue, N.E.; thence Southerly along said Easterly line of East 65th Street, 69 feet to its point of intersection with the Southerly line of said Sublot No. 40; thence Easterly along the Southerly line of Sublot No. 40, 52.5 feet; thence Northerly on a line parallel with said Easterly line of East 65th Street, about 69 feet to the Southerly line of Lexington Avenue, N.E.; thence Westerly along said Southerly line of Lexington Avenue, N.E., about 52.5 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-14-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 36, 38 and 40, in Samuel B. Strang's Subdivision of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at the intersection of the Southerly line of Lexington Avenue, N.E. with the Westerly line of East 66th Place; thence Southerly, along said Westerly line of East 66th Place, about 69 feet to the Southeasterly corner of said Sublot No. 40; thence Westerly, along the Southerly line of said Sublot No. 40, about 80-17/100 feet to a point in the Southerly line, 52-5/10 feet Easterly, from the Easterly line of East 65th

Street (formerly Norwood Street); thence Northerly, parallel with said Easterly line of East 65th Street, about 69 feet to said Southerly line of Lexington Avenue, N.E.; thence Easterly, about 80-15/100 feet to the place of beginning, 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.

Ord. No. 653-06.

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

An emergency ordinance authorizing the Director of City Planning to enter into one or more contracts with Cleveland Public Art for professional services necessary to administer the City's public art program.

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

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

Section 1. That the Director of City Planning is authorized to enter into one or more contracts with Cleveland Public Art for professional services necessary to

administer the City's Public Art Program for calendar year 2006, in the total sum of \$45,000, for the Department of City Planning. The contracts or contracts shall be paid from Fund No. 01-011001-638000, Request No. 112380.

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

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

Ord. No. 655-06.

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

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, provided the City enters into a Development Agreement with the Cleveland-Cuyahoga County Port Authority ("Port Authority") and Flats East Development LLC, the Directors of Public Service and Public Utilities are authorized to enter into one or more agreements with the Port Authority for the making of the utility and infrastructure improvements described in the Development Agreement by the Port Authority within the Flats East Bank Community Plan area, as

described in Ordinance No. 1644-05, passed October 17, 2005. The agreements authorized in this section shall require that the Port Authority let the contracts for the improvements under the Port Authority's standard competitive processes, that contributions from each City department shall be used only for the specific purposes of each department as defined in the Development Agreement, and that appropriate reporting and scheduling requirements shall be in place to ensure that the City's contributions are used only for the authorized purposes and made only when needed for such purposes.

Section 2. That, provided the City enters into a Development Agreement with the Port Authority and Flats East Development LLC, this Council authorizes the contribution by the City of labor, materials or funds for the utility and infrastructure improvements described in section 1 above in the estimated amounts of \$740,000 from the Division of Water (Fund No. 52 SF 001), \$3,400,000 from the Division of Cleveland Public Power (Fund No. 58 SF 001), and \$1,000,000 from the Department of Public Service (Fund Nos. 20 SF 363, 20 SF 372, 20 SF 379, 20 SF 393, and 20 SF 505), Request No. 146268.

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, Public Utilities, City Planning Commission, Finance, Law; Committees on Public Service, Public Utilities, City Planning, Finance.

Ord. No. 656-06.

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

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, provided the City enters into a Development Agreement with the Cleveland-Cuyahoga County Port Authority ("Port Authority") and Flats East Development LLC, this Council authorizes the Director of Finance to pay the debt service on not to exceed \$11,000,000 of obligations issued by the Port Authority for the purpose of constructing various public improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05, passed October 17, 2005, including the authority to execute a cooperation agreement and all other documents necessary to pay the debt service, provided the City does not issue City bonds for this purpose. The payment of debt service on those obligations will be subject to annual appropriation from one or more of the following funds: Fund Nos. 01 SF 001, 11 SF 006, and 54 SF 001.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 657-06.

By Council Member Santiago.

An ordinance to change the Use Districts of lands bounded by Seymour Avenue and Erin Avenue west of Fulton Road from a Two-Family Residential District to a Local Retail Business District as shown on the attached map. (Map Change No. 2177, Page 1).

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

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

Beginning in the centerline of Fulton Road and its intersection with the centerline of Seymour Avenue; Thence westerly along said centerline of Seymour Avenue approximately 88 feet to its intersection with the northerly prolongation of the easterly line of Sublot No. 445 in the H. Stone Addition Subdivision as shown on the recorded plat in Volume 1 of Maps; Page 42 of Cuyahoga County Records; said intersection being known as the principal place of beginning;

Thence southerly along said northerly prolongation, easterly line and southerly prolongation to its intersection with the centerline of Erin Avenue;

Thence westerly along said centerline to its intersection with the southerly prolongation of the westerly line of Sublot No. 447 in said H. Stone Addition Subdivision;

Thence northerly along said prolongation and westerly line to its intersection with a line drawn 60 feet from and parallel to the northerly line of Erin Avenue;

Thence easterly along said parallel line to its intersection with the easterly line of said Sublot No. 447;

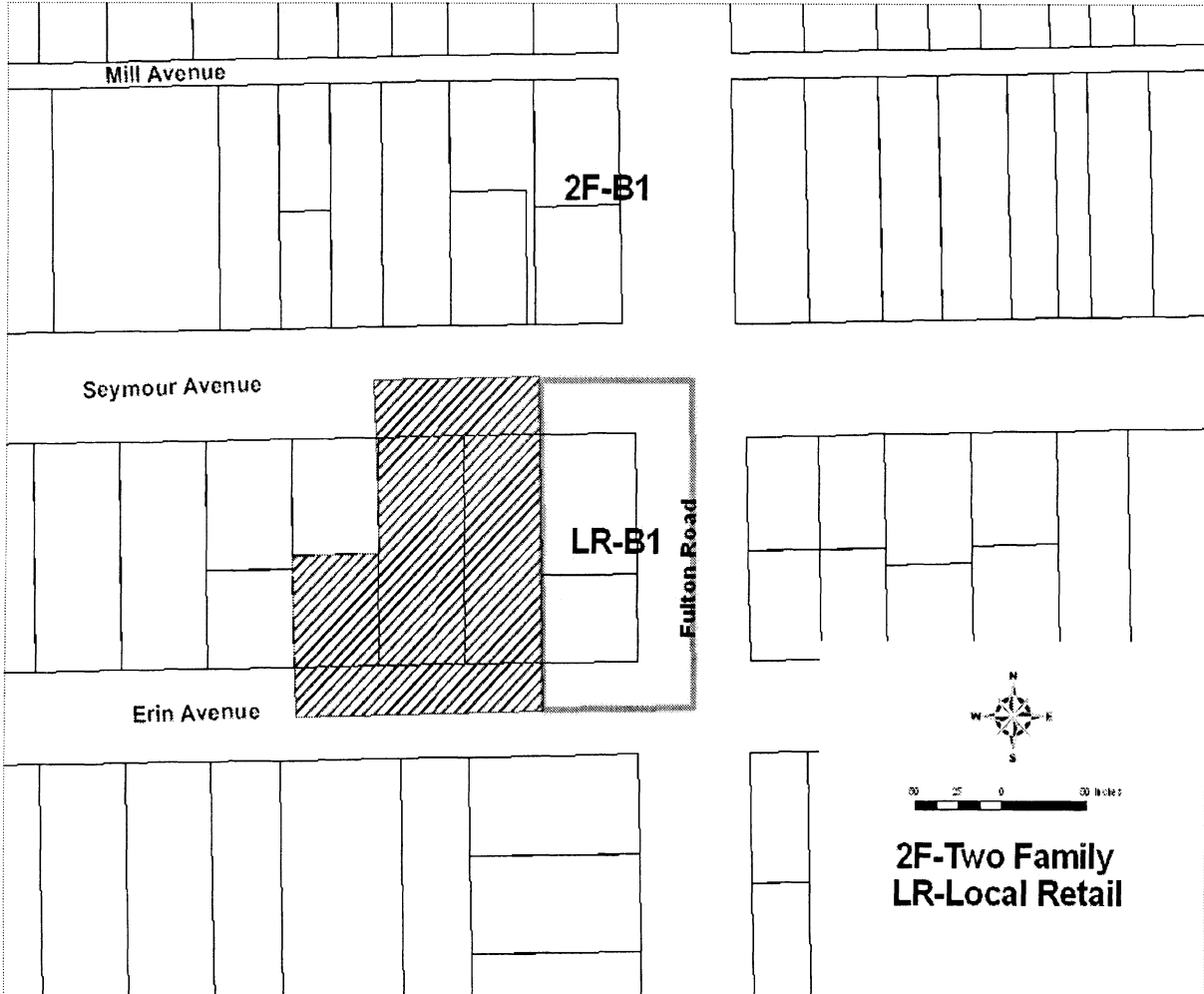
Thence northerly along said easterly line and its northerly prolongation to its intersection with the centerline of Seymour Avenue;

Thence easterly along said centerline to its intersection with the northerly prolongation of the easterly line of Sublot No. 445 in said H. Stone Addition Subdivision; said point also being known as the principal place of beginning.

and as shaded on the attached map is changed to a Local Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2177, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 654-06.

By Council Member Cleveland.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Cyndi Lightner).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public

rights of way outside of the Central Business District; and

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

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Cyndi Lightner at southwest corner of Woodland Avenue and East 55th Street.

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

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

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

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

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

Ord. No. 662-06.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Hermes 10 Miler, on April 22, 2006, sponsored by Hermes Sports.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes 10 Miler, sponsored by Hermes Sports on April 22, 2006, starting at Prospect by East 4th, take Prospect to East 36th, right on East 36th, right on Carnegie, Carnegie over the bridge to Fulton, right on Fulton, right onto Detroit/Superior, left onto West 9th, right onto Lakeside, left onto West 3rd, around the Browns Stadium, left onto Erieside, over East 9th to N. Marginal, turnaround at Gate 11 and back on N. Marginal, left onto East 9th, right onto Lakeside, left onto West 6th, left onto W. Prospect, finish on Prospect by East 4th, walk down East 4th for the post race food, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 663-06.

By Council Member Reed.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Olive Missionary Baptist Church to stretch banners on the northwest corner of East 134th & Kinsman and the north side of Union of Murtis Taylor's driveway to an adjacent pole to the south side of Union, for the period from April 10, 2006 to May 9, 2006, inclusive, publicizing the church's 6th Annual Juneteenth Celebration.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Mt. Haven Missionary Baptist Church to install, maintain and remove banners on the northwest corner of East 134th & Kinsman and the north side of Union of Murtis Taylor's driveway to an adjacent pole to the south side of Union, for the period from April 10, 2006 to May 9, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 658-06.

By Council Member Cimperman.
An emergency resolution withdrawing objection to the transfer of ownership of D5 and D6 Liquor Permit at 1740 East 17th Street, 1st floor and basement and repealing Resolution No. 333-06, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to Tyler Brit-

ton Zinn, DBA Moe's Bar & Grill, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent No. 9949500, by Resolution No. 333-06 adopted by the Council on February 27, 2006; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Tyler Britton Zinn, DBA Moe's Bar & Grill, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 9949500, be and the same is hereby withdrawn and Resolution No. 333-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 659-06.

By Council Member Cimperman.
An emergency resolution withdrawing objection to the transfer of ownership of D2, D2X, D3, D3A and D6 Liquor Permit at 2927 Bridge Avenue and repealing Resolution No. 171-06, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to D & A Restaurants, Inc., DBA Heck's Café, 2927 Bridge Avenue, Cleveland, Ohio 44113, Permanent No. 1883538, by Resolution No. 171-06 adopted by the Council on January 30, 2006; and

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

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

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

Section 1. That objection to a D2, D2X, D3, D3A and D6 Liquor Permit to D & A Restaurants, Inc., DBA Heck's Café, 2927 Bridge Avenue, Cleveland, Ohio 44113, Permanent Number 1883538, be and the same is hereby withdrawn and Resolution No. 171-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 660-06.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 2132 West 25th Street and repealing Resolution No. 1558-05, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 2132 West 25th Street by Resolution No. 1558-05 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 Liquor Permit to Chatham Entertainment LLC, DBA Lost City Bistro Bar, 2132 West 25th Street, Cleveland, Ohio 44103, Permanent Number 1385000 be and the same is hereby withdrawn and Resolution No. 1558-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 661-06.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 3347 Meyer Avenue, 1st floor front and basement and repealing Resolution No. 1555-05, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 3347 Meyer Avenue, 1st floor front and basement by Resolution No. 1555-05

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 Liquor Permit to Betty's Food Market, Inc., 3347 Meyer Avenue, 1st floor front and basement, Cleveland, Ohio 44109, Permanent Number 0674119 be and the same is hereby withdrawn and Resolution No. 1555-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 2368-04.

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

An emergency ordinance to extend the retirement dates of various police and fire personnel, for a one year period for the Divisions of Police and Fire, Department of Public Safety.

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

1. Insert new Section 1a to read as follows:

"Section 1a. That Officer Emil Cielec of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August 20, 2006, and that this continuation is approved by this Council."

2. Insert new Section 2a to read as follows:

"Section 2a. That Officer Thomas Smith of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August 14, 2006, and that this continuation is approved by this Council."

3. Insert new Section 4a to read as follows:

"Section 4a. That Lieutenant Edward Lentz of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August

14, 2006, and that this continuation is approved by this Council."

4. Insert new Section 5a to read as follows:

"Section 5a. That Sergeant Ollice Davis of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August 21, 2006, and that this continuation is approved by this Council."

5. Insert new Section 6a to read as follows:

"Section 6a. That Officer Earl Brown of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on January 29, 2006, and that this continuation is approved by this Council."

6. Insert new Section 7a to read as follows:

"Section 7a. That Officer Clark Kellogg of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on September 10, 2006, and that this continuation is approved by this Council."

7. Insert new Section 8a to read as follows:

"Section 8a. That Officer Bernard Ferris of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on May 28, 2006, and that this continuation is approved by this Council."

8. Insert new Section 9a to read as follows:

"Section 9a. That Officer Timothy Ryan of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on April 15, 2006, and that this continuation is approved by this Council."

9. In Section 10, line 3, strike "October 5" and insert "October 12"; and insert new Section 10a to read as follows:

"Section 10a. That captain David Good of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on October 12, 2006, and that this continuation is approved by this Council."

10. Insert new Section 11a to read as follows:

"Section 11a. That Lieutenant Gary G. Ivins of the Division of Fire, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on April 1, 2006, and that this continuation is approved by this Council."

11. Insert new Section 13a to read as follows:

"Section 13a. That Captain George Jenkins of the Division of Fire, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on October 10, 2006, and that this continuation is approved by this Council."

12. Insert new Section 14a to read as follows:

"Section 14a. That Lieutenant Robert Kazimore of the Division of Fire, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on November 25, 2006, and that this continuation is approved by this Council."

13. Insert new Section 15a to read as follows:

"Section 15a. That Firefighter Kenneth Gilson of the Division of Fire, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on December 22, 2006, and that this continuation is approved by this Council."

14. Insert new Sections 16, 17, 18, and 19 to read as follows:

"Section 16. That Sergeant John Mokri of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on April 8, 2006, and that this continuation is approved by this Council."

Section 17. That Officer Robert Retzer of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on July 7, 2006, and that this continuation is approved by this Council."

Section 18. That Captain Gerald Ruckgaber of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on July 14, 2006, and that this continuation is approved by this Council."

Section 19. That Captain John Campolieti of the Division of Fire, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August 16, 2006, and that this continuation is approved by this Council."

15. Renumber existing Section 16 to new "Section 20".

Amendments agreed to.

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

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

Ord. No. 2136-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Concession Agreements for the operation of on-site terminal advertising at Cleveland Hopkins International Airport, for the Department of Port Control, for a term not to exceed ten years, with one option to renew for an additional five year period.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation and Finance; when amended as follows:

1. In the title, strike lines 7 and 8 in their entirety and insert "**exceed ten years.**".

2. In Section 1, strike lines 9, 10, and 11 in their entirety and insert "**Control. Each Concession Agreement shall be for a period not to exceed ten years.**".

Amendments agreed to.

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

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

Ord. No. 2137-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Concession Agreements for the installation, operation, and maintenance of automatic teller machines at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control, for a period not to exceed five years.

Approved by Directors of Port Control and Finance; Passage recommended by Committees on Transportation and Finance, Finance; when amended as follows:

1. In the title, line 5, after "machines" insert "**including automatic teller machines capable of providing international currency exchange services.**".

2. In Section 1, line 4, after "(ATMs)" insert "**including ATMS capable of providing international currency exchange services.**".

3. In Section 1, line 9, after "Airport," insert "**The Concession Agreement shall also provide that two additional ATMs may be installed at Cleveland Hopkins International Airport and shall be capable of providing international currency exchange services. One of the units will be located in a post-security area and the other will be located in a pre-security area. For the unit operating in the post-security area, the vendor shall operate a staffed unit.**".

Amendments agreed to.

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

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

Ord. No. 2138-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more Concession Agreements for the operation of a self-service baggage cart system at Cleveland Hopkins International Airport, for the Department of Port Control, for a period not to exceed five years.

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

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

Ord. No. 165-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Charles Hardin.

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

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

Ord. No. 166-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 87th Street to Lonnie Harris and Geneva Harris.

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

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

Ord. No. 167-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to Walter J. Worsham.

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

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

Ord. No. 246-06.

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

An emergency ordinance to amend Section 531.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1661-04, passed January 24, 2005; and to repeal Section 531.50 of the codified ordinances, as amended by Ordinance No. 1661-04, passed January 24, 2005 relating to persons authorized to make water service installation and water main repairs.

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

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

Ord. No. 291-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of General Obligation Refunding Bonds to refund outstanding General Obligation Bonds of the City to obtain debt service savings and authorizing and approving related matters.

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

1. Insert new Sections 19 and 20 to read as follows:

"Section 19. That the authority granted by this ordinance for the issuance and sale of General Obligation Refunding Bonds shall expire two years from the effective date of this ordinance. If the issuance of any given General Obligation Re-

funding Bond is initiated by the Director of Finance under the authority of this ordinance at any time within the two-year period following its effective date, then the authority granted by this ordinance shall not expire as to that bond issuance; but no issuance of General Obligation Refunding Bonds may be initiated under the authority of this ordinance later than two years after its effective date."

"Section 20. That the Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any bonds under the authority of this ordinance."

2. Renumber Section 19 to read **"Section 21"**.

Amendments agreed to.

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

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

Ord. No. 292-06.

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

An emergency ordinance authorizing the issuance and sale by the City of Airport System Revenue Refunding Bonds to refund outstanding Airport System Revenue Bonds to obtain debt service savings; authorizing hedge agreements, supplemental indentures, and other agreements related to Airport System Revenue Bonds; and authorizing and approving related matters.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. Insert new Sections 18 and 19 to read as follows:

"Section 18. That the authority granted by this ordinance for the issuance and sale of Refunding Bonds, Hedge Agreements, Supplemental Indentures or other agreements shall expire two years from the effective date of this ordinance. If the issuance of a given Refunding Bond, Hedge Agreement, Supplemental Indenture or other agreement is initiated by the Director of Finance under the authority of this ordinance at any time within the two-year period following its effective date, then the authority granted in this ordinance shall not expire as to that issuance, agreement or indenture; but no issuance, agreement or indenture may be initiated under the authority of this ordinance later than two years after its effective date."

"Section 19. That the Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bond, Hedge Agreement, Supplemental Indenture or other agreement under the authority of this ordinance."

2. Renumber Section 18 to read **"Section 20"**.

Amendments agreed to.

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

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

Ord. No. 449-06.

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

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

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

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

Ord. No. 450-06.

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

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

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

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

Ord. No. 451-06.

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

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

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

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

Ord. No. 497-06.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with Greater Cleveland Partnership to reimburse it for Superior Avenue banners Public Art Project management and engineering services.

Approved by Directors of Public Service, Finance, Law; Relieved of Committee on Public Service; Passage recommended by Committee

on Finance; when amended as follows:

1. In the title, line 3; and in Section 1, line 2, strike "Greater" and insert **"Downtown"**.

Amendments agreed to.

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

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

Ord. No. 507-06.

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

An emergency ordinance authorizing and directing the Director of Economic Development to expend Economic Development Initiative Grant funds to extend the terms of a lease with MidTown Associates, LLC.

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

1. Strike the title on the endorsement page in its entirety and insert:

"An emergency ordinance authorizing and directing the Director of Economic Development to expend Economic Development Initiative Grant funds to extend the terms of a lease with MidTown Associates, LLC."

Amendment agreed to.

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

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

Ord. No. 599-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with ACL Services Ltd. for professional services necessary to provide training courses for ACL105, ACL291, and Desktop Edition software.

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

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

Ord. No. 601-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of building materials and used paving bricks, for the various divisions of City government.

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

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

Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms."

Amendments agreed to.

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

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

Ord. No. 602-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial supplies and equipment, for the various divisions of City government.

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

1. In Section 1, line 3, strike "for a two-year period" and insert "**for a period of one or two years**"; and at the end, add "**The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.**"

Amendments agreed to.

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

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

Ord. No. 603-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of plumbing supplies and equipment, for the various divisions of City government.

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

1. In Section 1, line 3, strike "for a two-year period" and insert "**for a period of one or two years**"; and at the end, add "**The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.**"

Amendments agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legisla-

tion was furnished to each member of Council before final passage.

Ord. No. 604-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, for the various divisions of City government.

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

1. In Section 1, line 3, strike "for a two-year period" and insert "**for a period of one or two years**"; and at the end, add "**The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.**"

Amendments agreed to.

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

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

MOTION

By Council Member Kelley, seconded by Council Member Polensek and unanimously carried that the absence of Council Members Fannie Lewis and Sabra Pierce Scott, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:04 p.m. to meet Monday, April 17, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 5, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 5, 2006, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director

Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 117-06.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of March, 2006 in the amount of \$22,150.68, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 118-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 354-05, passed by the Council of the City of Cleveland on April 4, 2005, Hardy Designs, is selected upon the nomination of the Director of Public Utilities from a list of public relation firms determined, after a full and complete canvass by the Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to perform research, writing, creative design, photography, artwork, layout, preparation of camera ready artwork and offset lithographic reproduction of the 2004 and 2005 Annual Reports for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is requested to enter into a written contract with Hardy Designs, based upon its proposal dated December 8, 2005, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as contained in the proposal and shall contain the terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the work shall commence upon execution of the contract and shall further provide that the aggregate fee will not be in excess of \$63,000.00.

Be it further resolved that the employment of the following subcontractors to Hardy Designs, is approved:

<u>SUB-CONTRACTOR</u>	<u>AWARD</u>
Polk Photography	\$ 3,500.00
Trepal Photography	\$ 3,500.00
Fireline	\$11,500.00
Modern International	\$15,500.00
Albrecht Typography	\$ 3,150.00 (FBE) 5%
JB Media	\$ 6,300.00 (MBE) 10%
Drummond Design	\$ 3,150.00 (FBE) 5%

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 119-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Door Controls, Inc., for labor and materials necessary to maintain and repair automatic doors, all items, for the various divisions of the Department of Port Control, for a period of one year beginning with the date of execution of a contract, received on February 1, 2006, under the authority of Ordinance No. 2069-05, passed on December 5, 2005, which on the basis of the estimated quantity would amount to \$52,505.25, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160416 which shall be certified against the contract in the sum of \$25,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 120-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Ganley Ford West, Inc. for an estimated quantity of Ford passenger car parts and labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on

February 15, 2006, under the authority of Ordinance No. 470-04, passed by the Council of the City of Cleveland on April 26, 2004, which on the basis of the estimated quantity would amount to \$400,000.00 (2% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154351

which shall be certified against the contract in the sum of \$80,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 121-06.

By Interim Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of Unique Paving Materials Corporation for an estimated quantity of SSI Tack Coat, item 1, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the execution of this contract, received on February 23, 2006, under the authority of Ordinance No. 1877-05, passed December 5, 2005, which on the basis of the estimated quantity would amount to \$49,200.00, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 160036

which shall be certified against such contract in the sum of \$5,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 122-06.

By Interim Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of Unique Paving Materials

Corporation for an estimated quantity of cold mix, item 1, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the execution of this contract, received on February 23, 2006, under the authority of Ordinance No. 1876-05, passed December 5, 2005, which on the basis of the estimated quantity would amount to \$201,920.00, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 160035

which shall be certified, against such contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 123-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Logos Imaging LLC, for an estimated quantity of digital imaging system, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on December 8, 2005, under the authority of Ordinance No. 1086-04, passed by Cleveland City Council, on August 11, 2004, which on the basis of the estimated quantity would amount to Twenty Three Thousand One Hundred Thirty Eight Dollars (\$23,138.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 145538

as specified,

which shall be certified against such contract in the sum of \$23,138.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Direc-

tors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 124-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform, for an estimated quantity of ballistic vest and related accessories, item 4, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on September 28, 2005, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$12,950.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 145547

as specified,

which shall be certified against the contract in the sum of \$12,950.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 125-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Atwells, for an estimated quantity of ballistic vest and related accessories, items 1, 2, 3, 5, 6, 7, and 8, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on September 28, 2005, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$393,725.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 145531

as specified,

which shall be certified against the contract in the sum of \$393,725.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods

and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 126-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of ThyssenKrupp Elevator, for an estimated quantity of labor and materials necessary to service and maintain elevators, all items, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 23, 2006, under the authority of Ordinance No. 1830-05, passed by Cleveland City Council on December 5, 2005, which on the basis of the estimated quantity would amount to \$27,840.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 145541

as specified,

which shall be certified against the contract in the sum of \$27,840.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 127-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Fire Safety Services, for an estimated quantity of breathing apparatus and repair, items 1-58, 60-133, 135-136, 138-184, 186-192, 194-246, 249-283, 285-300 and 302-309, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 27, 2006, under the authority of Ordinance No. 580-05, passed by Cleveland City Council on June 6, 2005, which on the basis of the estimated quantity would amount to \$65,318,63, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for the goods

and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160951

as specified,

which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 128-06.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Fire Force Inc, for an estimated quantity of breathing apparatus and repair, items 59, 134, 137, 185, 193, 247, 248, 284 and 301, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 27, 2006, under the authority of Ordinance No. 580-05, passed by Cleveland City Council on June 6, 2005, which on the basis of the estimated quantity would amount to \$5,307.36, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160950

as specified,

which shall be certified against the contract in the sum of \$5,307.36.

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

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

Resolution No. 129-06.

By Director Rush.

Whereas, under the authority of Ordinance No. 1642-05, passed November 14, 2005, by the Council of the City of Cleveland, the Director of Community Development and the Commissioner of Purchases and Supplies is authorized to enter into an agreement with the Orlando Baking

Company, or an entity controlled by them, providing for the exchange of real properties; and

Whereas, the agreement authorized shall be prepared by the Director of Law and shall include assurances that the exchange was conducted using fair market values as determined by the Board of Control; and

Whereas, the City-owned property no longer needed for public use, the property being described in the ordinance and located in the City of Cleveland, and known as Permanent Parcel Numbers 124-28-030, 031, 032, 034, 035, 036, 037, 038, 077, 040, 041, 043, 044, 045, 046, 079 and 002 shall be conveyed to the Orlando Baking Company in exchange for Permanent Parcel Numbers 121-33-120, 121, 128, 129, 130, 145, 146, 147, 132, and 128-03-011, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland under Ordinance No. 1642-05, passed by the Council of the City of Cleveland on November 14, 2005, the Commissioner of Purchases and Supplies is directed to convey certain City-owned property no longer needed for public use, the property being described in the ordinance and located in the City of Cleveland, and known as Permanent Parcel Numbers 124-28-030, 031, 032, 034, 035, 036, 037, 038, 077, 040, 041, 043, 044, 045, 046, 079, and 002 to the Orlando Baking Company in exchange for Permanent Parcel Numbers 121-33-120, 121, 128, 129, 130, 145, 146, 147, 132, and 128-03-011. It is determined by the Board of Control that the exchange of real property has been conducted using fair market values.

Be it further resolved that the Director of Community Development is authorized to execute on behalf of the City all necessary documents to acquire and convey the property described in Ordinance No. 1642-05. The documents shall include such restrictive reversionary interests as may be specified by the Director of Law as he deems necessary to protect and benefit the public.

Yeas: Directors Triozzi, Dumas, Acting Director O'Malley, Interim Directors Wasik, Carroll, Director Flask, Interim Director Cox, Directors Rush, Hutchinson, Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson, Interim Director Mok, Director Reilly.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the

final closing date stated 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, APRIL 24, 2006

9:30 A.M.

Calendar No. 06-50: 9422 Buckeye Road (Ward 4)

The Calvary Apostolic Assembly Church c/o Pastor Louis Fitzpatrick, owner, and Darryl Lyn Lamb, agent, appeal to change the use of property to a car wash and to detail automobiles where there is an existing one-story masonry garage, situated on a 40' x 150' parcel located in a General Retail Business District on the south side of Buckeye Road at 9422 Buckeye Road; and the proposed use is approximately 30' from a Residence District to the north, instead of not less than a 100' distance as required in Section 343.11(b)(2)(I)(2) of the Codified Ordinances.

Calendar No. 06-53: 2925 Jay Avenue (Ward 13)

Jay & 30 Project, LLC, owner, and Douglas Wahl, agent, appeal to erect a two-story frame, two family dwelling on a 40' x 107' corner lot where there is parking for three dwelling units, located in a Two-Family District on the southeast corner of Jay Avenue and West 30th Street at 2925 Jay Avenue; subject to the limitations of Section 349.05(a), no parking space shall be located within 10' of a residential building or structure if the wall facing the space contains a ground floor opening designed to provide light or ventilation; and contrary to Section 355.04(b)A, the maximum gross floor area provided is 4,280 s/f instead of 6,000 s/f; with a 6' rear yard depth where 20' is required in Section 357.08; and an 8' distance is provided instead of 10' from a main building on an adjoining lot, contrary to Section 357.09(2)(B) of the Codified Ordinances.

Calendar No. 06-55: 4261 Fulton Parkway (Ward 15)

Downing Memphis LLC and Michael Downing, owner, appeal to erect an addition to an existing non-conforming use, situated on an acreage parcel, located in split zoning for a Local Retail Business

District and a Two-Family District on the northeast corner of Fulton Parkway and Memphis Avenue at 4261 Fulton Parkway; the proposed expansion limited by Section 337.03 that does not permit an office and parking for the facility in a Two-Family District; and Section 343.01G(3) allows an office in a Local Retail District, provided that the number of personnel employed for the business or profession does not exceed more than five persons at any one time; and contrary to Section 357.07(a), a 6' setback is provided where the setback requirements are 20' along Memphis Avenue and 10' along Fulton Parkway; and there is no landscaping provided, contrary to Section 352.10 that requires a 6' wide landscape strip along Memphis Avenue and Fulton Parkway to separate the parking lot from the street; and the proposed expansion of the existing non-conforming use requires the Board of Zoning Appeals approval, as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 06-56: 17102 Puritas Avenue (Ward 21)

Terry Hengoed, owner, appeals to erect a 24' x 24' one-story, frame accessory garage to the rear of an existing single family residence, situated on a 42' x 120' corner parcel located in an A1 One-Family District on the northeast corner of Puritas Avenue and West 171st Street at 17102 Puritas Avenue; contrary to the Side Street Yard Regulations, the proposed garage extends into the 40' front setback building line established by the adjacent dwelling to the north and is contrary to Section 357.05 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 10, 2006

At the meeting of the Board of Zoning Appeals on Monday, April 10, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-47: 3321 West 90th Street

Robert and Rose Neider appealed to erect a 10'-6" x 19'-10" wolmanized wooden wheelchair ramp at the front of a one family dwelling in a One-Family District.

Calendar No. 06-48: 3111 Clinton Avenue

Barry Clemens appealed to add 352 square feet to the fourth floor of a legal nonconforming townhouse in a Residence Industry District.

Calendar No. 06-49: 3004 Monroe Avenue

Jeramy Ennis appealed to erect an 11'-10" x 22' addition at the rear of a one family dwelling in a Two-Family District.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 06-46: 6402 Lansing Avenue postponed to May 8, 2006.

In Executive Session on April 10, 2006, the following appeals heard by the Board on April 3, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 06-41: 1948-56 Columbus Road - Parcel B

Paul Koepf appealed to change an existing building to a residential use, subject to approval of a lot split and newly created 4,680 s/f lot, to a 2,700 s/f single family dwelling in a Semi-Industry District.

Calendar No. 06-42: 1948-56 Columbus Road - Parcel C

Paul Koepf appealed to change an existing building to a residential use, subject to approval of a lot split and newly created 4,290 s/f lot to a 2,425 s/f single family dwelling in a Semi-Industry District.

Calendar No. 06-43: 1948-56 Columbus Road - Parcel D

Paul Koepf appealed to change an existing building to a residential use, subject to approval of a lot split and newly created 2,880 s/f lot to a 4,200 s/f single family dwelling in a Semi-Industry District.

Calendar No. 06-44: 1948-56 Columbus Road - Parcel E

Paul Koepf appealed to change an existing building to a residential use, subject to approval of a lot split and newly created 2,886 s/f lot to a 4,480 s/f single family dwelling in a Semi-Industry District.

Calendar No. 06-45: 3140 West 98th Street

Mutual Properties, owner, appealed to make alterations and construct a 5,119 s/f addition and establish use for Cuyahoga County Employment and Family Services on the premises of a one-story retail building in a General Retail Business District.

The following appeal was **Denied:**

Calendar No. 06-22: 2051 East 125th Street

Jim & Jeff Ltd., owner, appealed to place three air conditioning units in the south side yard of an existing two-story, multi-family building in a Multi-Family District.

The following appeal heard by the Board on March 27, 2006 was adopted and approved:

The following appeal was **Approved:**

Calendar No. 06-36: 6308 Fleet Avenue

Kazimierz Chruscik appealed to convert the first floor of an existing building to a grocery store with accessory food processing and a 30 seat restaurant in a Local Retail Business District; subject to conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
April 5, 2006

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

* * *

Docket A-62-02.

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

Docket A-6202 has been POSTPONED; to be rescheduled for April 18, 2006.

* * *

Docket A-2-06.

RE: Appeal of Palik Properties, Inc. (Meyers Corbox), Owner of the Property located on the premises known as 6701 Hubbard Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated November 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-2-06 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-10-06.

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

No action required by the Board at this time.

* * *

Docket A-16-06.

RE: Appeal of United Properties C/O ZMDS, Inc., Owner of the Two Story Masonry Property located on

the premises known as 2132 West 25th Street from a NOTICE OF VIOLATION — DISPLAY SIGNS of the Director of the Department of Building and Housing, dated February 23, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant up to six (6) months in which to abate the violations and obtain the property permits, noting that the process should take much less than six (6) months. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-20-06.

RE: Appeal of Krause Project Partners, Owner of the Property located on the premises known as 2042-44 East 4th Street from an ADJUDICATION ORDER, of the Director of the Department of Building and Housing, dated March 15, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the light well to be open with the installation of the windows with sprinkler systems as protection, to grant the equivalent fire protection for that space to the adjacent building and the installation of noncombustible balconies in that light well area as proposed. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-22-06.

RE: Appeal of M. Weingold & Company, Owner of the Semi-Industry Property located on the premises known as 3915 East 91st Street from a NOTICE OF VIOLATION — CERTIFICATE OF OCCUPANCY INSPECTION of the Director of the Department of Building and Housing, dated February 23, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the required "Certificate of Occupancy". Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-23-06.

RE: Appeal of M. Weingold & Company, Owner of the Semi-Industry Property located on the premises known as 3967 East 93rd Street from a NOTICE OF VIOLATION — CERTIFICATE OF OCCUPANCY

INSPECTION of the Director of the Department of Building and Housing, dated February 23, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the required "Certificate of Occupancy". Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-24-06.

RE: Appeal of Norfolk and Western RR, Owner of the Semi-Industry Property located on the premises known as 3455 Campbell Road from a NOTICE OF VIOLATION — ILLEGAL USE of the Director of the Department of Building and Housing, dated February 24, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the required "Certificate of Occupancy". Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-25-06.

RE: Appeal of M.W. Acquisitions, Owner of the One Story Masonry Property located on the premises known as 9515 Woodland Avenue (aka 10420 Quincy Avenue) from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated March 10, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the required "Certificate of Occupancy". Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-26-06.

RE: Appeal of M.W. Acquisitions, Owner of the One Story Masonry Property located on the premises known as 9515 Woodland Avenue from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated March 10, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the

Appellant thirty (30) days in which to obtain the required "Certificate of Occupancy". Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-28-06.

RE: Appeal of Carol T. Sakoumagus, Owner of the Property located on the premises known as 12029 Lorain Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 14, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the awning to be installed as proposed. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-29-06.

RE: Appeal of Harry Rock & Company, Owner of the One Story Masonry Property located on the premises known as 4900 Woodland Avenue from a NOTICE OF VIOLATION — CERTIFICATE OF OCCUPANCY INSPECTION of the Director of the Department of Building and Housing, dated February 22, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the required "Certificate of Occupancy". Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-30-06.

RE: Appeal of Ryan P. Wach, Owner of the Property located on the premises known as 2317 West 5th Street from a NOTICE OF VIOLATION — CERTIFICATE OF OCCUPANCY INSPECTION of the Director of the Department of Building and Housing, dated March 28, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the building to be reviewed as a single family residence, with the provision that a residential sprinkler system be installed. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saab, Bradley. Nays: None. Absent: Mr. Gallagher. Not Voting: Mr. Saunders.

APPROVAL OF RESOLUTIONS:

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

- A-14-06—Akram Elkhatab.
A-17-06—Flats Development.
A-19-06—Ellis & Rosetta Dozier.

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

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APPROVAL OF MINUTES:

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

March 22, 2006

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE

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

WEDNESDAY, APRIL 26, 2006

Turnout Clothing, for the Division of Fire, Department of Public Safety, as authorized by Section 135.06, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, APRIL 17, 2006 AT 10:30 A.M., CLEVELAND FIRE HEAD-QUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

Powered Cots, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 3-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, APRIL 17, 2006 AT 11:00 A.M., CLEVELAND FIRE HEAD-QUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

Automatic Vehicle Location Upgrade (Re-Bid), for the Division of ISS, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, APRIL 17, 2006 AT 11:00 A.M., 205 WEST ST. CLAIR STREET, 5TH FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

April 5, 2006 and April 12, 2006

THURSDAY, APRIL 27, 2006

Various Fire Station Roof Replacements, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2145-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**

THURSDAY, APRIL 20, 2006 AT 10:00 A.M., FIRE STATION NO. 1, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

April 5, 2006 and April 12, 2006

MONDAY, APRIL 28, 2006

Technology and Security Center Project No. 536 (Re-Bid), 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 **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 13, 2006 AT 9:00 A.M., BALDWIN WATER WORKS PLANT TRAINING ROOM, 11216 STOKES BOULEVARD, CLEVELAND, OHIO 44104.

Microfiche and CD Rom Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 238-06, passed by the Council of the City of Cleveland, February 27, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, APRIL 17, 2006 AT 10:30 A.M., CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 5, 2006 and April 12, 2006

FRIDAY, MAY 5, 2006

Natural Gas, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. pending passage.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, APRIL 18, 2006 AT 10:30 A.M., CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 5, 2006 and April 12, 2006

THURSDAY, APRIL 27, 2006

2006 Summer Food Program (Breakfasts and Lunches), for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 845-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 20, 2006 AT 12:00 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM 8, CLEVELAND, OHIO 44114.

Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes, for the Division of Recreation, Department of Parks,

Recreation and Properties, as authorized by Ordinance No. 845-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 20, 2006 AT 1:00 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM 8, CLEVELAND, OHIO 44114.

April 12, 2006 and April 19, 2006

WEDNESDAY, MAY 3, 2006

Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 457-06 pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 20, 2006 AT 1:30 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM 8, CLEVELAND, OHIO 44114.

Armed Security Services, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 456-06 pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 20, 2006 AT 2:00 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM 8, CLEVELAND, OHIO 44114.

Asbestos Abatement of St. Michael's Hospital Main Building, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2152-03, passed by the Council of the City of Cleveland, January 5, 2004.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, APRIL 25, 2006 AT 10:00 A.M., CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

April 12, 2006 and April 19, 2006

THURSDAY, MAY 4, 2006

Estimated Quantity of Ten (10) Cab/Chassis with 25-Cubic Yards Refuse Packer Bodies, for Various Divisions, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, APRIL 25, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

April 12, 2006 and April 19, 2006

WEDNESDAY, MAY 10, 2006

Ready Mix-Concrete 2006, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 604-06 pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, APRIL 25, 2006 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Scrap Metals, for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, APRIL 25, 2006 AT 11:00 A.M., DEPARTMENT OF FINANCE, CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114.

April 12, 2006 and April 19, 2006

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 620-06.

By Council Member Sweeney.

An emergency resolution fixing the location for certain meetings of Cleveland City Council on certain dates in April and May, 2006.

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 the Council of the City of Cleveland shall hold its regular meeting on April 24, 2006 at Estabrook Recreation Center at 7:00 pm and its regular meeting on May 22, 2006 at Earle Turner Recreation Center at 7:00 pm.

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

Adopted April 3, 2006.

Effective April 7, 2006.

Res. No. 628-06.

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

An emergency resolution rejecting in its entirety the Fact-Finder's findings and recommendations in the matter of City of Cleveland and the International Brotherhood of Electrical Workers, AFL-CIO, Local 39.

Whereas, findings and recommendations of the Fact-Finder have been submitted to this Council under division(C)(6)(a) of Section 4117.14 of the Revised Code; 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, having duly considered the Fact-Finder's findings and recommendations in the matter of City of Cleveland and the International Brotherhood of Electrical Workers, AFL-CIO, Local 39 (SERB Case No. 03-MED-12-1411, SERB Case No. 03-MED-12-1412, and FMCS Case No. 050516-55920-8), which are dated March 28, 2006 and which were served on the City's representative on March 31, 2006, a copy of which are contained in File No. 628-06-A, this Council rejects the Fact-Finder's findings and recommendations in their entirety.

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

Adopted April 3, 2006.

Effective April 7, 2006.

Ord. No. 2073-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to enter into an agreement to allow the City to accept a donation of computer hardware and services from the East Cuyahoga County Genealogical Society; and authorizing the Director to accept the donation.

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 the Department of Parks, Recreation, and Properties is authorized to enter into an agreement with the East Cuyahoga County Genealogical Society for the donation of computer hardware and services to create a database of the City's cemetery records.

Section 2. That the Director of Parks, Recreation, and Properties is authorized to accept the donation described in Section 1 above, which is estimated to be in excess of \$10,000, from the East Cuyahoga County Genealogical Society.

Section 3. That the agreement shall be prepared by the Director of Law.

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

Passed April 3, 2006.

Effective April 7, 2006.

Ord. No. 2134-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, parts, and supplies for electrical maintenance, for the various divisions of the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one or two years of the necessary items of materials, parts, and supplies for electrical maintenance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159379)

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

Passed April 3, 2006.

Effective April 7, 2006.

Ord. No. 2206-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the Safe Communities, DUI Prevention Task Force Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$16,000, from University Hospitals to conduct the Safe Communities, DUI Prevention Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the planning worksheet for the grant contained in the file described below.

Section 2. That the planning worksheet for the grant, File No. 2206-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed April 3, 2006.
Effective April 7, 2006.

**Ord. No. 191-06.
By Council Members Zone and Sweeney (by departmental request).**

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

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of AutoCAD computer program upgrades including maintenance and support, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 157739)

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

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

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

Passed April 3, 2006.
Effective April 7, 2006.

**Ord. No. 296-06.
By Council Members Zone and Sweeney (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of fuel, fuel oil, and propane needed for backup power generating equipment systems, including supporting services, for the various divisions of the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of various types of fuel, fuel oil, and propane, needed for backup power generating equipment systems, including supporting services, in the

approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 157776)

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

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

Passed April 3, 2006.
Effective April 7, 2006.

**Ord. No. 314-06.
By Council Members Conwell and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to enter into a contract with the HLC Group for diversity training for the Division of Fire.

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

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

Section 1. That the Director of Public Safety is authorized to enter into one or more contracts with the HLC Group for diversity training for

the lieutenants for the Division of Fire, in the total amount of \$27,900.00, from Fund No. 01-600301-623000, Request No. 160940, for the Department of Public Safety.

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.

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 376-06.

By Council Member Cimperman.
An emergency ordinance authorizing the Director of Public Service to issue a permit to The Historic Warehouse District Development Corporation to encroach into the public right-of-way within the Historic Warehouse District on every historic light pole by installing, using, and maintaining Hanging Flower Baskets.

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 Historic Warehouse District Development Corporation, 614 West Superior Avenue, Suite 680 Cleveland Oh 44113 ("Permittee"), to encroach into public rights-of-way within the Historic Warehouse District by installing, using, and maintaining hanging flower baskets on every historic light pole located within The Historic Warehouse District bounded on the North by Front Street, on the South by West Superior Avenue, on the West by West 10th Street, and on the East by West 3rd Street.

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Public Service. 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 encroachment(s).

Section 3. 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 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 452-06.
By Council Members Zone and Sweeney (by departmental request).

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

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

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

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

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 453-06.
By Council Members Zone and Sweeney (by departmental request).

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

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

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

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

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 456-06.

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

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 166587)

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 457-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 458-06.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program, in an amount not to exceed \$71,000, payable from Fund No. 01-700401-638000, Request No. 166585.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 459-06.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

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

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 506-06.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours.

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Neighborhood Leadership

Institute to implement educational, recreational and cultural programs in various school buildings during evening hours, in an amount not to exceed \$247,511.00, payable from Fund No. 01-700401-638000, Request No. 166584.

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.

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 569-06.

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

An emergency ordinance authorizing the Director of Public Service to apply for and accept an Ohio Department of Transportation State Infrastructure Bank Loan to finance the City's share of the replacement of the Fulton Road Bridge; and to cause payment of the City's share of the bridge replacement.

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 apply for and accept an Ohio Department of Transportation State Infrastructure Bank Loan (the "Loan") in the approximate amount of \$2,100,000 to finance the City's share of the replacement of the Fulton Road Bridge (the "Improvement").

Section 2. That the Director of Public Service is authorized to enter into a loan agreement with the Ohio Department of Transportation for an Ohio Department of Transportation State Infrastructure Bank Loan according to terms contained in File No. 569-06-A, and shall contain additional terms that are acceptable to the Director of Law to protect the public interest. The Director of Public Service or the Director of Finance, as appropriate, is further authorized to file all papers and execute all documents necessary to receive the funds under the Loan; and to appropriate the Loan funds for the purposes set forth in the file.

Section 3. That on execution of the loan agreement, the Director of Public Service is authorized to repay the Loan to the Ohio Department of Transportation under terms and conditions contained in the loan agreement.

Section 4. That this Council authorizes payment to the State of Ohio of the City's share of the replacement of the Fulton Road Bridge, from the fund or funds to which are credited the Loan proceeds received as authorized by this ordinance.

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

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

Passed April 3, 2006.
Effective April 4, 2006.

Ord. No. 605-06.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Pillsbury, Winthrop, Shaw, Pittman LLP for federal lobbying services for the City of Cleveland.

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

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

Section 1. That the Director of Finance is authorized to enter into an agreement with Pillsbury, Winthrop, Shaw, Pittman LLP for federal lobbying services for the City of Cleveland, for a period not to exceed nine months, payable from Fund No. 01-999800-632000, Request No. 146268.

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.

Passed April 3, 2006.
Effective April 4, 2006.

Ord. No. 621-06.
By Council Member Sweeney.
An emergency ordinance to amend Section 173.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 882-92, passed April 13, 1992, relating to Reimbursement of Expenses for Members of Council.

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

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

Section 1. That Section 173.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 882-92, passed April 13, 1992, the Codified Ordinances of Cleveland, Ohio, 1976, is hereby amended to read as follows:

Section 173.071 Reimbursement of Expense for Members of Council

The members of Council shall be entitled to be reimbursed the cost of expenses incurred by them in the performance of their official duties in an amount not to exceed twelve hundred dollars (\$1,200) per month. Requests for reimbursement shall be submitted monthly in writing to the Clerk of Council. Expenses submit-

ted for reimbursement must be substantiated by written documentation in accordance with guidelines for the reporting of expenses by members of Council promulgated by the President of Council and approved by the rules Committee of the Council based upon the applicable reporting requirements of the federal income tax code for employee expense reimbursement programs. Notwithstanding the requirements of Section 171.43, members of Council may be reimbursed for the use of their vehicles in the performance of their official duties at the rate for mileage allowance promulgated by the Internal Revenue Service. Notwithstanding any ordinance to the contrary, any Council Member may increase his or her Executive Assistant's hourly rate of pay in excess of the standard rate in effect for Council Member Executive Assistants consistent with the aforementioned Council expense reimbursement policy.

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 622-06.
By Council Member Cimperman.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 1314-05 passed July 13, 2005 as it pertains to authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for the Student Theatre Enrichment Program through the use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1314-05 passed July 13, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Tremont West Development Corporation for the Student Theatre Enrichment Program through the use of Ward 13 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with Tremont West Development Corporation for the Student Theatre Enrichment Program for the public purpose of providing educational opportunities for Cleveland youth in the performing arts through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1314-05

passed July 13, 2005 are hereby repealed.

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 623-06.
By Council Member Britt.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Case Western Reserve University for the Case Western Reserve University National Youth Sports Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Case Western Reserve University for the Case Western Reserve University National Youth Sports Program for the public purpose of providing educational and recreational activities for economically disadvantaged Cleveland youths through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$38,900 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 3, 2006.
Effective April 7, 2006.

Ord. No. 624-06.
By Council Members Coats and Polensek.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 1199-05, passed June 6, 2006 as it pertains to the Sims Raiders Youth Organization for a Youth Football Program through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1199-05, passed June 6, 2005 are hereby amended to read as follows:

An Emergency Ordinance authorizing the Director of Parks, Recreation and Properties to enter into or amend contracts with the Sims Raiders Youth Organization and the Northeast Neighborhood Development Corporation serving as the fiscal agent for the Youth Football Program through the use of Wards 10 and 11 Neighborhood Equity Funds.

Section 1. That the Director of Parks, Recreation and Properties enter into or amend contracts with the Sims Raiders Youth Organization and the Northeast Neighborhood Development Corporation serving as the fiscal agent for the Youth Football Program for the public purpose of providing organized recreational activities for City of Cleveland youth through the use of Wards 10 and 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 1199-05, passed June 6, 2005 are hereby repealed.

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

Passed April 3, 2006.

Effective April 7, 2006.

Ord. No. 625-06.

By Council Member Cimperman.

An emergency ordinance to repeal Ordinances Nos. 1546-05 passed August 3, 2005 and 1793-05, passed September 19, 2005, relating to authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for the Student Theatre Enrichment Program through the use of Ward 13 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 Ordinances 1546-05 passed August 3, 2005 and 1793-05, passed September 19, 2005, are repealed.

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.

Passed April 3, 2006.

Effective April 7, 2006.

Ord. No. 626-06.

By Council Members Turner, Polensek, Kelley, Westbrook, Brady and Dolan.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program through the use of Ward(s) 1, 11, 16, 18, 19 and 21 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program for the public purpose of promoting restoration and preservation of historic homes in the City of Cleveland through the use of ward(s) 1, 11, 16, 18, 19 and 21 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$61,500 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 3, 2006.

Effective April 7, 2006.

Ord. No. 627-06.

By Council Member Coats.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Ward 10 Club to stretch a banner across St. Clair at East 146th Street, for the period from April 6, 2006, to May 5, 2006, inclusive, publicizing the Pancake Breakfast and Rummage Sale.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Ward 10 Club to install, maintain and remove a banner across St. Clair at East 146th Street, for the period from April 6, 2006, to May 5, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in con-

sultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 3, 2006.

Effective April 7, 2006.

COUNCIL COMMITTEE MEETINGS

Wednesday, April 5, 2006

9:30 a.m.

Aviation and Transportation Committee: Present: Kelley, Chair; Westbrook, Vice Chair; Brancatelli, Dolan, Britt, Turner. *Authorized Absence:* Cleveland.

Monday, April 10, 2006

11:00 a.m.

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

2:00 p.m.

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

Tuesday, April 11, 2006

1:30 a.m.

Employment, Affirmative Action and Training Committee: CANCELLED.

Wednesday, April 12, 2006

10:00 a.m.

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

1:30 p.m.

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

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O—Ordinance; R—Resolution; F—File
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