

The City Record

Official Publication of the Council of the City of Cleveland



January the Tenth, Two Thousand and Seven

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
Tracy Y. Martin, Executive Assistant to the Mayor, Chief of Education
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
_____, 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 Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, 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, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – Ivan Henderson, 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 – Ricky D. Smith, 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, 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, Director, Mural Building, 1925 St. Clair Ave.
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Correction – Robert Tasky, 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 – Leigh Stevens, 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, 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, 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 – Brian A. Reilly, 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; Sharon Dumas, 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 Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, 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, Council Member Joe Cimperman.

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connolly, 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.

AUDIT COMMITTEE – Robert Rawson, Chairman; Yvette Ittu, Debra Janik, Bracy Lewis, Don Neebes, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 94

WEDNESDAY, JANUARY 10, 2007

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CITY COUNCIL

MONDAY, JANUARY 8, 2007

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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, January 8, 2007

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

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

Also present were Ken Silliman, Chief of Staff; Valarie J. McCall, Chief of Governmental Affairs; Tracy Y. Martin, Chief of Education; Maureen Harper, Chief of Communications; Debra Linn Talley, Director of Equal Opportunity; Rebecca Schaltenbrand, Legislative Affairs; Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Reilly, Fumich, Guzman, Griffin and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Evangelist Yvonne Pointer of New Direction Church of God in Christ, 1337 Giddings Road, located in Ward 7. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 16-07.

Re: New Application — 87992400255 — Target Corporation, d.b.a. Target Store T 2228, 3531 Steelyard Drive. (Ward 15). Received.

File No. 17-07.

Re: New Application — 4997986 — Lamater, Inc., d.b.a. Woodhill Deli, 2975 Woodhill Road. (Ward 4). Received.

File No. 18-07.

Re: Transfer of Ownership Application — 52377900005 — Little Italy Wines Ltd., d.b.a. Little Italy Wines Ltd., 12408 Mayfield Road, first floor front. (Ward 6). Received.

File No. 19-07.

Re: Transfer of Ownership Application — 4125681 — IL Bacio LLC, d.b.a. Bacios & Patio, 2181 Murray Hill Road. (Ward 6). Received.

File No. 20-07.

Re: Transfer of Ownership Application — 0892845 — Iris G. Boyd, d.b.a. Willie's Restaurant & Bar, 1601-03 East 79th Street, first floor and basement. (Ward 7). Received.

File No. 21-07.

Re: Transfer of Ownership Application — 8002011 — 75th Corp. d.b.a. Pyramids Market, 7502 St. Clair Avenue. (Ward 8). Received.

File No. 22-07.

Re: Transfer of Ownership Application — 1710333 — Convenient Retail & Food, Inc., d.b.a. Convenient Retail & Food, 3794 East 71st Street. (Ward 12). Received.

File No. 23-07.

Re: Transfer of Ownership Application — 0084408 — Akita, Inc. d.b.a. The Fleet Ave. Bar, 6101 Fleet Avenue. (Ward 12). Received.

File No. 24-07.

Re: Transfer of Ownership Application — 1794530 — Jackie A. Craddock, d.b.a. Cleveland's Coyote, 1187 Old River Road & patio. (Ward 13). Received.

File No. 25-07.

Re: Transfer of Ownership Application — 1115305 — Antoinette Burgess, d.b.a. Tony's Deli, 2165 West 47th Street, first floor & Basement. (Ward 17). Received.

File No. 26-07.

Re: Transfer of Ownership Application — 73935330585 — Riser Foods Co., d.b.a. Lorain Giant Eagle 5874, 10950 Lorain Avenue. (Ward 19). Received.

File No. 27-07.

Re: Transfer of Ownership and Location Application — 2384612 — Ecib Group of Cleveland LLC, 1515 West Third Street, Unit 100 29. (Ward 13). Received.

File No. 28-07.

Re: Transfer of Ownership and Location Application — 05759710010 — Behjat LLC, d.b.a. D & BS Beverage & Deli, 12702 Lorain Avenue. (Ward 19). Received.

File No. 29-07.

Re: Transfer of Ownership and Location Application — 9419081 — Washington Express, Inc., 14505 Woodworth Avenue. (Ward 10). Received.

File No. 30-07.

Re: Stock Transfer Application — 3398126 — Grilly's Inc., d.b.a. Grilly's, 2615 Lorain Avenue, first floor. (Ward 14). Received.

File No. 31-07.

Re: Stock Transfer Application — 1879637 — Cleveland D. C. Marketing, Inc., d.b.a. Stop N Save Food Mart, 15637 St. Clair Avenue. (Ward 11). Received.

File No. 32-07.

Re: Liquor Agency Contract — 73935330585 — Riser Food's Co., d.b.a. Lorain Giant Eagle 5874, 10950 Lorain Avenue. (Ward 19). Received.

**STATEMENT OF WORK
ACCEPTED**

File No. 33-07.

From the Department of Public Utilities — Contract No. 57952 —

Morgan Finished Water Pump Station Project 302. Received.

File No. 34-07.

From the Department of Public Utilities — Contract No. 64333A — Fabrizi Trucking & Paving Co. Inc. Received.

File No. 35-07.

From the Department of Parks, Recreation and Properties — Contract No. 65246 — Archmere Park Site Improvements. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 36-07—President Gerald R. Ford.

Res. No. 37-07—Len "Boom" Goldberg.

Res. No. 38-07—Emil J. Golub.

Res. No. 39-07—Eddie Mae Bowden.

Res. No. 40-07—Alfred Avant, Sr.

Res. No. 41-07—DeeAnn Stephens.

Res. No. 42-07—Levirgin Givens.

Res. No. 43-07—Betty Jean Hayes.

Res. No. 44-07—Daniel Marizette, Jr.

Res. No. 45-07—Cleon Roy Jones.

Res. No. 46-07—Catherine Jones.

Res. No. 47-07—Charlie Robinson, Jr.

Res. No. 48-07—Angel Sardelli.

CONGRATULATION RESOLUTIONS

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

Res. No. 49-07 — Congresswoman Nancy Pelosi, Speaker of the U. S. House of Representatives.

Res. No. 50-07—Atheria Finney.

Res. No. 51-07—Advance Manufacturing Corp.

RECOGNITION RESOLUTION

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

Res. No. 52-07—Dorothy Lynch.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 2161-05, passed November 21, 2005, relating to the fund number designated to deposit monies, under the franchise agreement, collected for educational and government access and other public telecommunications and cable services under the cable television franchise assigned from Adelphia Cleveland, LLC to Time Warner NY Cable LLC.

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

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

Section 1. That Section 4 of Ordinance No. 2161-05, passed November 21, 2005, is amended to read as follows:

Section 4. That the Director of Finance shall establish within the **Special Revenue** Fund of the City a fund or subfund into which shall be deposited those monies collected in accordance with Section 1, Paragraph A, to be used for public, educational and government access and other public telecommunications and cable services to be allocated by ordinance by this Council.

Section 2. That existing Section 4 of Ordinance No. 2161-05, passed November 21, 2005, is repealed.

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

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

Ord. No. 2-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.

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 sums opposite the names of the following claimants and charged against the fund.

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Public Safety Department - EMS				
The Greater Regional Transit Authority (RTA)	11886	\$ 115.93	EMS	01-600402-672000
Csongedi Tammy T.	11898	500.00	EMS	01-600402-672000
O'Lear, Thomas G.	11905	500.00	EMS	01-600402-672000

Public Safety Department - Fire

McMichael, Denise	11812	\$ 93.81	Fire (rehear)	01-600302-672000
The Greater Regional Transit Authority (RTA)	11840	251.00	Fire	01-600302-672000
Weber, Arthur G.	11882	500.00	Fire	01-600302-672000
Reid, Henry O.	11906	250.00	Fire	01-600302-672000
Carter, Rachelle Y.	11865	200.00	Fire	01-600302-672000

Police Public Safety Department - Police Department

Johnson, Tyeshia	11877	\$ 500.00	Police	01-600202-672000
Stidham, Philip S.	11903	135.00	Police	01-600202-672000
Wooley, Mary	11923	250.00	Police	01-600202-672000

Public Safety Department - Police Impound

Colvin, Anthony	11875	\$ 500.00	Police Impound	01-600202-672000
Gotel, Martin E.	11879	500.00	Police Impound	01-600202-672000
Hill, James	11893	500.00	Police Impound	01-600202-672000

Department of Parks, Recreation and Property - Park Maintenance

FBI (Stephen Pyles)	11925	\$ 340.99	Park Maintenance	01-701205-672000
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Department of Parks, Recreation and Property - Urban Forestry

Atlagovich, Charles and Concetta	11874	\$ 400.00	Urban Forestry	01-701204-672000
Taylor, Letitia A.	11896	500.00	Urban Forestry	01-701204-672000
Hill, Joyce	11900	500.00	Urban Forestry	01-701204-672000
Fields-Haydu, Deborah	11916	1,000.00	Urban Forestry	01-701204-672000

Department of Parks, Recreation and Property - Vacant Lots

Brown, Barbara	11912	\$ 250.00	Vacant Lots	01-701205-672000
Starks, Annie Deloris	11917	500.00	Vacant Lots	01-701205-672000

Department of Public Service - Streets Division

Morales, Jorge	11891	\$ 250.00	Streets	01-400609-672000
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Department of Public Service - Division of Waste

White, JoAnn Evans	11876	\$ 30.00	Waste Collection	01-400303-672000
Nanney, Paul J.	11880	30.00	Waste Collection	01-400303-672000
Garlin, Rudolph	11885	30.00	Waste Collection	01-400303-672000
Aeshleman, Kim	11889	30.00	Waste Collection	01-400303-672000
Baechle, James.	11897	550.00	Waste Collection	01-400303-672000
Regier, Jamie	11899	15.00	Waste Collection	01-400303-672000
Jones, Ann L.	11902	100.00	Waste Collection	01-400303-672000
McErath, Emir	11913	500.00	Waste Collection	01-400303-672000
Hemsath, Sharon	11914	15.00	Waste Collection	01-400303-672000
Jones, Kristopher	11922	15.00	Waste Collection	01-400303-672000

Department of Water Pollution Control - WPC

Smith, David	03985	\$ 260.00	WPC	54SF001
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Department of Water

Hunt, Lawrence	11864	\$ 2,500.00	Water	52SF001
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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. 3-07.
By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from the Ohio Department of Natural Resources for the CEGIS Winter Salt Remediation Program; and authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to implement the grant, for the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept a grant in the amount of \$50,000, from the Ohio Department of Natural Resources to conduct the CEGIS Winter Salt Remediation Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 3-07-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 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 during the grant term of the necessary items of materials, equipment, supplies, and services necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for 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.

Section 4. 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.

Section 5. 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 pur-

chases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 4-07.
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 beneath East 89th Street by installing, using, and maintaining a connecting tunnel.

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 East 89th Street by installing, using, and maintaining a connecting tunnel. The north-south limits of the encroachment include the work required for the tunnel and an area north of the tunnel that may be required for tie-backs used to stabilize the shoring wall for the excavation of the Service Center at the following location:

**LEGAL DESCRIPTION OF
 EAST 89TH STREET
 ENCROACHMENT FOR THE
 CLEVELAND CLINIC**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as a part of Original 100 Acre Lot No. 400 and more fully described as follows:

Commencing at a 5/8" iron pin monument found at the centerline intersection of Carnegie Avenue (80 feet wide) and East 89th Street (60 feet wide); Thence northerly along the centerline of said East 89th Street, 293.51 feet to a point and the Principal Place of Beginning for the easement herein described;

Thence N 89° 02' 15" W, at right angles to said centerline, 30.00 feet to a point and the westerly right of way line of said East 89th Street;

Thence N 00° 57' 45" E, along said westerly right of way line, 158.43 feet to a point;

Thence S 89° 02' 15" E, 60.00 feet to a point and the easterly right of way line of said East 89th Street;

Thence S 00° 57' 45" E, along said westerly right of way line, 158.43 feet to a point;

Thence N 89° 02' 15" W, 30.00 feet to a point and the Principal Place of Beginning and containing 0.218 acres of land, more or less, deter-

mined by Terence R. Allison, Registered Ohio Professional Surveyor No. 7176 of Michael Benza & Associates, Inc. in November 2006, but subject to all legal roads, highways and easements of record.

The Basis of Bearing is the centerline of East 89th Street, N 00° 54' 45" E, as noted on a survey performed by Garrett and Associates Map Number 2300, Dated January 2006.

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. 5-07.
By Council Members Cleveland, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Buckeye Pipe Line Company to encroach into the public right-of-way beneath Rockefeller Avenue by installing, using, and maintaining an 8-inch petroleum line with a 16-inch casing.

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 Buckeye Pipe Line Company, Five Tek Park, 9999 Hamilton Road, Breinigsville, PA 18031 ("Permittee"), to encroach into the public right-of-way beneath Rockefeller Avenue by installing, using, and maintaining an 8-inch petroleum line with a 16-inch casing, at the following location:

10' Buckeye Pipeline Easement across Rockefeller Avenue, as it now exists Cleveland, Ohio

A parcel of land being part of U.S.S. Industrial Park Subdivision as recorded in Volume 229, Page 66, Cuyahoga County Plat Records, being part of Outlot 267 and part of Outlot 268 in former Newburgh Township, now the City of Cleveland, Cuyahoga County, Ohio, said parcel of land being bounded and described as follows:

Commencing at the intersection of a line drawn thirty-three and zero hundredths (33.00) feet westerly of and parallel with the centerline of Rockefeller Avenue (formerly Broadway), as it now exists, with a line drawn thirty and zero hundredths (30.00) feet southerly of parallel with the centerline of Erie Railroad (Conrail), as it now exists;

thence in a northerly direction along said line drawn thirty-three and zero hundredths (33.00) feet westerly of and parallel with the centerline of Rockefeller Avenue, as it now exists, having an assumed bearing of North twenty-seven (27) degrees, twenty-four (24) minutes, thirty-nine (39) seconds West, a distance of twenty-six and fifty-five hundredths (26.55) feet to the True Point of Beginning;

thence continuing North twenty-seven (27) degrees, twenty-four (24) minutes, thirty-nine (39) seconds West along said line drawn thirty-three and zero hundredths (33.00) feet westerly of and parallel with the centerline of Rockefeller Avenue, as it now exists, a distance of ten and one hundredth (10.01) feet to a point;

thence North sixty-five (65) degrees, twenty-two (22) minutes, nine (09) seconds East along a line, a distance of sixty-six and eight hundredths (66.08) feet to the intersection of a line drawn thirty-three and zero hundredths (33.00) easterly of and parallel with said centerline of Rockefeller Avenue, as it now exists;

thence South twenty-seven (27) degrees, twenty-four (24) minutes, thirty-nine (39) seconds East along said line drawn thirty-three and zero hundredths (33.00) easterly of and parallel with the centerline of Rockefeller Avenue, as it now exists, a distance of ten and one hundredth (10.01) feet to a point;

thence South sixty-five (65) degrees, twenty-two (22) minutes, nine (09) seconds West along a line, a distance of sixty-six and eight hundredths (66.08) feet to the True Point of Beginning.

Said parcel of land containing an area of six hundred sixty-one (661) square feet or 0.015 acres of land, more or less.

The above described parcel of land is subject to any and all leases, easements or restrictions of record.

The bearings used hereon are based on an assumed meridian and are solely for the purpose of calculating angular measurement

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. 6-07.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Sanson Company to provide economic development assistance to partially finance the purchase of land needed for the expansion of its facilities in the Northern Ohio Food Terminal located at Woodland and East 38th Street.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with The Sanson Company to provide economic development assistance to partially finance the purchase of land needed for the expansion of its facilities in the Northern Ohio Food Terminal located at Woodland and East 38th Street.

Section 2. That the costs of the grant shall not exceed an amount of \$20,000.00 and shall be paid from Fund No. 17 SF 652, Request No. 103727.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled

guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

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

Ord. No. 7-07.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Rego's Fresh Market, Inc. to provide economic development assistance to partially finance the purchase of the Tops Market located in Kamm's Plaza Shopping Center at 17400 Lorain Avenue.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Rego's Fresh Market, Inc. to provide economic development assistance to partially finance the purchase of the Tops Market located in Kamm's Plaza Shopping Center at 17400 Lorain Avenue.

Section 2. That the costs of the grant shall not exceed an amount of \$42,364.00 and shall be paid from Fund No. 17 SF 652, Request No. 103731.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

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

**Ord. No. 8-07.
By Council Members Westbrook,
Pierce Scott and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to make alterations and modifications in Contract No. 65740, for the Trinity Building land bank project, with OBO Demolition and Construction, Inc., for the Department of Economic Development.

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

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

Section 1. That the Director of Economic Development is authorized to make the following alterations and modifications in Contract No. 65740 with OBO Demolition and

Construction, Inc. for the Trinity Building land bank project, for the Department of Economic Development:

<u>Subsidiary Additions</u>	
Asbestos abatement	\$ 148,674.56
Bond fee increase	388.00
Contingency	14,906.41
Reapply early completion deduction	<u>15,000.00</u>
Total Subsidiary Additions	\$ 178,968.97

Original Contract Amount \$1,406,944.36
Total Subsidiary Additions + 178,968.97

REVISED CONTRACT AMOUNT \$1,585,913.33

which alteration has been recommended in writing by the Director of Economic Development, countersigned by the Mayor, and consented to by the surety on the contract,

which price to be paid has been agreed on in writing and signed by the Director or Economic Development and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$178,968.97, to be paid from Fund No. 10 SF 552, Request No. 103686.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 9-07.

By Council Member Sweeney (by departmental request).

An emergency ordinance approving two collective bargaining agreements with the Cleveland Association of Firefighters, Local 93 for the bargaining terms beginning April 1, 2004 and April 1, 2007; and amending Section 55 of Ordinance No. 289-06, passed March 27, 2006, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Association of Firefighters, Local 93, under the terms contained in File No. 9-07-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

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

In addition to the percentage increase effective April 1, 2006, eligible members of the bargaining unit will receive a separate payment in the amount of \$500.00 on or about January 8, 2007, which amount is not part of the member's wage base. An additional \$1,000.00 increase shall be paid to each member of the Division of Fire as follows: a one-time non-pensionable retro payment of \$1,000.00 not rolled into the base for 2006, and on the first pay period of 2007, the \$1,000.00 shall be rolled into the base of journeymen fire fighters, with the existing rank differential being maintained.

Section 2. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Association of Firefighters, Local 93, under the terms contained in the above-mentioned file, for the period from April 1, 2007 through March 31, 2010, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

Section 3. That Section 55 of Ordinance No. 289-06, passed March 27, 2006, is amended to read as follows:

Section 55. Division of Fire; Various Positions

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	<u>Minimum</u>	<u>Maximum</u>
1. Battalion Chief.....	\$72,039.84	\$80,850.89
2. Captain.....	\$62,034.36	\$69,699.05
3. Lieutenant.....	\$53,408.93	\$60,085.38
4. Firefighter - Journeyman.....	\$45,973.21	\$51,797.74
5. Apprentice - Medic III.....	\$41,881.79	\$46,622.11
6. Apprentice - Medic II.....	\$41,381.79	\$45,122.11
7. Apprentice - Medic I.....	\$40,381.79	\$44,122.11
8. Trainee.....	\$ 10.50	\$ 10.50

Section 4. That existing Section 55 of Ordinance No. 289-06, passed March 27, 2006, is repealed.

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.

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

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

Ord. No. 15-07.**By Council Member Conwell.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Glenville Development Corporation to stretch banners on St. Clair Avenue between East 110th and East 113th, for the period from January 8, 2007 to February 7, 2007, inclusive, honoring Troy Smith and the Glenville 7.

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 Glenville Development Corporation to install, maintain and remove banners on St. Clair Avenue between East 110th & East 113th, for the period from January 8, 2007 to February 7, 2007, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 10-07.**By Council Member Sweeney (by departmental request).**

An emergency resolution requesting the County Auditor to make advances during the year 2007 under Section 321.34 of the Revised Code.

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 under Section 321.34 of the Revised Code, the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the Treasury of the City of Cleve-

land, any money that may be in the County Treasury from time to time during the year 2007 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2007 fiscal year, during which year such request will be made. The payments are to be made from time to time in accordance with the schedule set by Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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

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

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

Res. No. 11-07.**By Council Member Coats.**

An emergency resolution encouraging the Federal Government to address the disparities in healthcare access and treatment between racial and ethnic minority population groups and Caucasians by following the recommendations of the National Healthcare Disparities Report, the Institute of Medicine study and the President's New Freedom Commission.

Whereas, the United States has achieved significant increases in the life expectancy of most residents and reductions in the incidence of injury, disability and disease; and

Whereas, the gap between the health status and death rates for racial and ethnic minority population groups and Caucasians has not decreased and in some cases has widened; and

Whereas, racial and ethnic minority populations face substantial cultural, social and economic barriers to obtaining access to adequate and competent health care; and

Whereas, the 2005 National Healthcare Disparities Report (NHDR) finds that disparities related to race, ethnicity and socioeconomic status still pervade the American health and behavioral health care system in almost all aspects of healthcare; and

Whereas, in 1999, Congress requested an Institute of Medicine (IOM) study to assess the extent of disparities in the types and quality of health services received by U.S. racial and ethnic minorities and non-minorities; and

Whereas, Congress charged the IOM with the task of exploring the factors that may contribute to inequities in care and to provide recommendations on policies and practices to eliminate these inequities; and

Whereas, the report from that study, "Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care", found that a consistent body of research demonstrates significant variation in the rates of

medical procedures by race, even when insurance status, income, age and severity of conditions are comparable; and

Whereas, this research indicates that U.S. racial and ethnic minorities are less likely to receive even routine medical procedures and experience a lower quality of health services; and

Whereas, the report states that a large body of research underscores the existence of disparities in treatment such as minorities being less likely to receive appropriate cardiac medications, undergo bypass surgery or receive kidney dialysis or transplants; and

Whereas, by contrast, minorities are more likely to receive certain less-desirable procedures, such as lower limb amputations for diabetes and other conditions; and

Whereas, the future health of the nation will be determined to a large extent by how effectively we work with communities to reduce and eliminate health disparities between non-minority and minority populations experiencing disproportionate burdens of disease, disability and premature death; and

Whereas, the President's New Freedom Commission Report for 2005 underscored the disparity in recovery and resilience for ethnic/racial minorities and identified several goals to be achieved by 2010 that included the elimination of disparities; and

Whereas, eliminating health disparities will require new knowledge about the determinants of disease, causes of health disparities and effective interventions for prevention and treatment; and

Whereas, eliminating health disparities will also require improving access to the benefits of society, including quality preventive and treatment services, as well as innovative ways of working in partnership with health and behavioral health care systems, federal, state and local governments, advocacy groups academia and community-based organizations; and

Whereas, the recommendation of the NHDR, IOM study and the President's New Freedom Commission Report include: increasing the awareness about health disparities among the general public, health care providers insurance companies and policy-makers; recruiting more minority health and behavioral health care providers especially since they are more likely to serve in minority and medically underserved communities; and recruiting more interpreters for health clinics and hospitals to overcome language barriers that may affect the quality of care; and

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

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

Section 1. That this Council hereby encourages the Federal Government to address the disparities in healthcare access and treatment between racial and ethnic minority population groups and Caucasians by following the recommendations of the National Healthcare Disparities Report, the Institute of Medicine study and the President's New Freedom Commission.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all members of United States Congress representing the State of Ohio and the appropriate representatives of the National League of Cities.

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

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

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

Res. No. 12-07.

By Council Member Conwell.

An emergency resolution amending the Title, Section 1 and Section 2 of Resolution No. 2104-06, adopted December 11, 2006, to encourage the City of Cleveland School District to ban artificial trans fats from being served in the City's public schools.

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 Title, Section 1 and Section 2 of Resolution No. 2104-06 adopted December 11, 2006 are amended to read, respectively, as follows:

An emergency resolution encouraging the City of Cleveland's Department of Public Health to study ways to reduce artificial trans fats in citizens' diets and work with the Cuyahoga County Board of Health towards banning artificial trans fats from restaurants **and further encouraging the City of Cleveland School District to ban artificial trans fats from being served in the City's public schools.**

Section 1. That this Council hereby encourages the City of Cleveland's Department of Public Health to study ways to reduce artificial trans fats in citizens' diets and work with the Cuyahoga County Board of Health towards banning artificial trans fats from restaurants **and further encourages the City of Cleveland School District to ban artificial trans fats from being served in the City's public schools.**

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to the Cuyahoga County Board of Health **and to Eugene Sanders, CEO of the City of Cleveland School District.**

Section 2. That the existing Title, Section 1 and Section 2 of Resolution No. 2104-06 adopted December 11, 2006 are hereby repealed.

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

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

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

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

Res. No. 13-07.

By Council Member Polensek.

An emergency resolution supporting a township-wide celebration of the Euclid Township Charter Bicentennial, 1809-2009.

Whereas, on July 22, 1796 General Moses Cleaveland and a team of surveyors of the Connecticut Land Company came to this area to settle a capital of the Western Reserve lands of Connecticut and to establish a settlement here; and

Whereas, Moses Cleaveland's team not only established Cleaveland as a settlement but some also surveyed land some seven miles east to establish the Euclid Township; and

Whereas, Euclid Township's boundaries covered all or most of current Cleveland Heights, Collinwood Village, East Cleveland, Euclid, Lyndhurst, Nottingham Village, Richmond Heights and South Euclid; and

Whereas, in November, 1809, the State of Ohio gave Euclid Township residents a charter to hold elections, pass ordinances and levy taxes; the first election was on April 10, 1810; and

Whereas, these dates mark the beginning of local democratic government on Cleveland's East Side; and

Whereas, two hundred years after founding, it is time to revisit the historic event of Euclid Township by celebrating a township-wide charter bicentennial; and

Whereas, impetus for a substantial yet light-hearted event comes from the City of Euclid's "Sesquicentennial" for the 1809 charter; and

Whereas, celebratory events for the Euclid Township Charter Bicentennial celebration will be held in venues across the old township during the fall of 2009 and the winter and spring of 2010; and

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

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

Section 1. That this Council supports a township-wide celebration of the Euclid Township Charter Bicentennial, 1809-2009.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the City of Euclid, the Euclid Landmark Commission and the Euclid Historical Society.

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

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

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

Res. No. 14-07.

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

An emergency resolution endorsing the City of Cleveland's Anti-Idling Policy and encouraging other municipalities to adopt Anti-Idling Policies; announcing City Council's intent to enact Anti-Idling legislation that regulates private commercial fleet vehicles.

Whereas, unnecessary running an engine at low speed (idling) wastes fuel and pollutes the air; and

Whereas, idling causes twice the wear on internal parts compared to driving at regular speeds; and

Whereas, idling of vehicles consumes approximately 17% of the fuel that a vehicle has on board; and

Whereas, the City of Cleveland and Northeast Ohio have been attempting to lessen pollutants that pose a detriment to the region's air quality, but the region is still in a non-attainment status; and

Whereas, reducing idling is necessary to protect public health and the environment by reducing emissions while conserving fuel; and

Whereas, effective June 1, 2006, the City of Cleveland adopted an Anti-Idling Policy that applies to all City vehicles, equipment, and operators, that is available on the City of Cleveland's Division of Water website sustainability page and a copy is in File No. 14-07-A, and

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

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

Section 1. That this Council endorses the City of Cleveland's Anti-Idling Policy and encourages other municipalities to adopt Anti-Idling Policies.

Section 2. That this Council announces its intent to enact Anti-Idling legislation that regulates private commercial fleet vehicles.

Section 3. That the Clerk of Council is directed to send copies of this resolution to the Cuyahoga County Commissioners, the Cuyahoga County Mayors' and Managers Association and the Northeast Ohio City Council Association.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 2005-06.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland provided such violation may result in incarceration, for the Cleveland Municipal Court for a period of one year, with one option to renew for an additional one-year period.

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

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

Ord. No. 2008-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 240-06, passed February 27, 2006, relating to one or more requirement contracts for the rental and laundry of work clothing, 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, at the amended title, line 3, strike “, for a period not to exceed five years”.

2. In Section 1, at amended Section 1, line 3, strike “five years” and insert “**three years, with two options to renew for additional one year periods, which options are exercisable by the Director of Finance, after receiving separate legislative authority,**”.

Amendments agreed to.

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

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

Ord. No. 2044-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of dry cell batteries, for the various divisions of City government.

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

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

Ord. No. 2046-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of keys, locks, and hardware, for the various divisions of City government.

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

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

Ord. No. 2047-06.

By Council Member Sweeney (by departmental request).

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

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

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

Ord. No. 2048-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to maintain and repair overhead doors, for the various divisions of City government.

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

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

Ord. No. 2076-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory, for drug and alcohol testing services, for a term of one year, with one option to renew for an additional one year period.

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

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

MOTION

By Council Member Polensek, seconded by Council Member Dolan, and unanimously carried that the absence of Council Member Fannie M. Lewis, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 4:43 p.m. to meet Monday, January 22, 2007 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 3, 2007

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 3, 2007, at 10:30 a.m. with Mayor Jackson presiding.

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

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 1-07.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Ferguson Enterprises, Inc. for an estimated quantity of pipe repair couplings (Group B) for the Division of Water, Department of Public Utilities, for a period of one (1) year, received on October 13, 2006, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$86,203.66 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide, for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 176788

which shall be certified against the contract in the sum of \$20,000.00.

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

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

Nays: None.

Absent: None.

Resolution No. 2-07.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Eaton Electrical Inc. for an estimated quantity of Substation Maintenance, Groups A & B, for the Division of Cleveland Public Power, Department of Public Utilities, for a

period of two years beginning with the date of execution of a contract, received on August 30, 2006, under the authority of Ordinance No. 495-06, passed April 19, 2006, which on the basis of the estimated quantity would amount to \$554,310.00 (2% 10 Days), is approved as the lowest and best bid and the Director of Public Utilities 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. 168052 which shall be certified against the contract in the sum of \$27,715.50.

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

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

Nays: None.
Absent: None.

Resolution No. 3-07.

By Director Ciaccia.

Resolved by the Board of Control of the City of Cleveland, that all bids received on August 30, 2006, for Substation Maintenance, Group C, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Ordinance No. 495-06, passed April 19, 2006, are rejected.

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

Nays: None.
Absent: None.

Resolution No. 4-07.

By Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of Valk Manufacturing Company for an estimated quantity of plow blades and curb bumpers, (all items), 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 September 22, 2006, under the authority of Ordinance No. 308-06, passed March 27, 2006, which on the basis of the estimated quantity would amount to \$86,292, 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. 160140 which shall be certified against such contract in the sum of \$35,688.00.

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: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 5-07.

By Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of Firelands Supply Company, for an estimated quantity of Guard Rail Elements, all items, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on October 11, 2006, under the authority of Ordinance No. 305-06, passed March 27, 2006, which on the basis of the estimated quantity would amount to \$70,260.00, 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. 160141 which shall be certified against such contract in the sum of \$8,530.00.

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: Mayor Jackson, Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Acting Director Smith, Directors Cox, Rush, Hutchinson, Reilly, Fumich, Guzman and Rybka.

Nays: None.
Absent: None.

Resolution No. 6-07.

By Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cargill Incorporated - Deicing Technology Business Unit for an estimated quantity of Liquid Deicer, item No. 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 October 11, 2006, under the authority of Ordinance No. 306-06, passed March 27, 2006, which on the basis of the estimated quantity would amount to \$35,400.00, is 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 and shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160139 which shall be certified against the contract in the sum of \$23,600.00.

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

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

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 22, 2007

9:30 A.M.

Calendar No. 06-258: 12307 Larchmere Boulevard (Ward 6)

John Negus, owner, appeals to establish use as auto sales and repair, proposed to be situated on a 100' x 155' consolidated parcel located in a Local Retail Business District on the north side of Larchmere Boulevard at 12307 Larchmere Boulevard; the proposed uses being contrary to Section 343.01, not permitted in a Local Retail District, with auto sales first permitted in a General Retail District and auto repair permitted first in a Semi-Indus-

try District; and Section 349.04 requires that twenty-five percent (25%) of the lot must be reserved for customer parking, and under Section 349.05, parking is not permitted within 10' of a wall of a residential structure; and no landscaping is proposed at the rear of the lot where it abuts a two family residential district, and under Section 352.09 a 10' wide transition strip is required; and the expansion of a nonconforming use requires the Board of Zoning Appeals approval, as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 06-259: 4423 Fenwick Avenue (Ward 17)

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame single family dwelling proposed to be situated on a 38.88' x 194.26' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4423 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.88' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where no dwelling shall be located within 200 feet of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances.

Calendar No. 06-260: 4421 Fenwick Avenue (Ward 17)

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame, single family dwelling, proposed to be situated on a 38.88' x 127.15' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4421 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.88' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where no dwelling shall be located within 200' of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances.

Calendar No. 06-261: 4415 Fenwick Avenue (Ward 17)

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame, single family dwelling, proposed to be situated on a 38.67' x 127.15' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4415 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.67' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where

no dwelling shall be located within 200' of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances.

Calendar No. 06-262: 4413 Fenwick Avenue (Ward 17)

Rysar Properties, owner and John Oswick, agent, appeal to erect a 24' x 34' two-story frame, single family dwelling, proposed to be situated on a 38.88' x 194.26' irregular shaped parcel located in a B1 Semi-Industry District on the south side of Fenwick Avenue at 4413 Fenwick Avenue; contrary to Section 355.04, a lot width of 38.88' is provided and a minimum lot width of 40' is required; and as proposed, the dwelling is a distance of 180' where no dwelling shall be located within 200' of the boundary line of an adjoining General Industry District, except that the Board of Zoning Appeals may make a determination otherwise, according to the provisions of Section 345.03(b); and a lot split or consolidation require approval from the Division of Engineering and Construction as stated in Section 327.02(e) of the Codified Ordinances.

Calendar No. 07-1: 2042-44 East 4th Street (Ward 13)

Krause Project Partners, LLC, owner, appeal to change use from a jewelry store to a restaurant/night club the first floor and part of the basement level of an existing six-story building, situated on a 25' x 100' parcel located in a General Retail Business District on the west side of West 4th Street at 2042-44 West 4th Street; under the provisions of Sections 343.11(b)(2)(L), amusement and recreational uses, such as a night club, are subject to the regulations of Section 347.12, provided that the place or building in which such use is operated is sufficiently sound-insulated to confine the use to the premises; and no such use, a night club, may be established within 500' of another such use, as stated in Section 347.12(a)(2) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 8, 2007

At the meeting of the Board of Zoning Appeals on Monday, January 8, 2007, the following appeals were heard by the Board.

The following appeal was **Approved:**

Calendar No. 06-190: 4755 Pearl Road ASD Corporation and Sam Shah

appealed to change the use from an office and motel to an office and apartments in a Local Retail Business District; subject to conditions and only specific units for apartment occupancy.

The following appeal was **Denied:**

None.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeals were **Postponed:**

Calendar No. 06-247: 7211 Quincy Avenue postponed to February 12, 2007.

Calendar No. 06-252: 17149 St. Clair Avenue postponed to February 20, 2007.

Calendar No. 06-255: 4974 Broadview Road postponed to February 20, 2007.

Calendar No. 06-224: 4421 State Road postponed to January 22, 2007.

In Executive Session on January 8, 2007, the following appeal heard by the Board on January 2, 2007 was ratified by the Board.

The following appeals were **Approved:**

Calendar No. 06-250: 10809 Amor Avenue

Lynnhaven Development Group appealed to erect a frame accessory garage in a B1 Two-Family District; subject to condition.

Calendar No. 06-254: 4110 Lee Road AJA Restaurant Group appealed to demolish an existing restaurant and construct a new one in a General Retail Business District; subject to conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, JANUARY 24, 2007

Towel and Linen Services, for the Division of Purchases & Supplies, Department of Finance, as authorized by Ordinance No. 1623-06, passed by the Council of the City of Cleveland, October 23, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 16, 2007 AT 10:30 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM #128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Residential Sound Insulation Program Phase II Continuation Contract A-06 (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 930-95, passed by the Council of the City of Cleveland, June 19, 1995, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland, May 13, 1998, as authorized by Ordinance No. 327-2000, passed by the Council of the City of Cleveland, June 12, 2000, respectively.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE

HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER PAYABLE TO THE CITY OF CLEVELAND.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, WEDNESDAY, JANUARY 10, 2007 AT 10:00 A.M., OFFICES OF C & S ENGINEERS, INC., ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE #100, CLEVELAND, OHIO 44135.

Labor and Materials Necessary to Repair and Maintain Pump Stations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1107-06, passed by the Council of the City of Cleveland, October 2, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 19, 2007 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL (RED CONFERENCE ROOM), 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

January 3, 2007 and January 10, 2007

FRIDAY, MARCH 2, 2007

Purchase of Labor and Materials to Refurbish the SCADA (Supervisory Control and Data Acquisition) System and the PCCS (Plant Computer Control Systems), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2234-05, passed by the Council of the City of Cleveland, January 23, 2006 and as authorized by Ordinance No. 1717-06, passed by the Council of the City of Cleveland, November 20, 2006, respectively.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 12, 2007 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 3, 2007 and January 10, 2007

WEDNESDAY, JANUARY 31, 2007

Rockefeller Park Greenhouse Workbench Repair, for the Division of Parks Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2202-04, passed by the Council of the City of Cleveland, January 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 18, 2007 AT 2:00 P.M., ROCKEFELLER PARK GREENHOUSE, 750 EAST 88TH STREET, CLEVELAND, OHIO 44106.

Landscape Materials, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 237-06, passed by the Council of the City of Cleveland, February 27, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 19, 2007 AT 11:00

A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Moving Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1622-06, passed by the Council of the City of Cleveland, October 23, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 23, 2007 AT 10:30 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 10, 2007 and January 17, 2007

THURSDAY, FEBRUARY 1, 2006

Tire Repair Road Service, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 23, 2007 AT 10:30 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

SS1 Tack Coat, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1053-06, passed by the Council of the City of Cleveland, July 12, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, JANUARY 22, 2007 AT 11:30 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM #128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Cold Mix, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1054-06, passed by the Council of the City of Cleveland, July 12, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, JANUARY 22, 2007 AT 11:00 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM #128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 10, 2007 and January 17, 2007

WEDNESDAY, FEBRUARY 7, 2007

Cleaning and Cement Mortar Lining Area 2007-A, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1843-06, passed by the Council of the City of Cleveland, December 11, 2006.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY,

DAY, JANUARY 19, 2007 AT 11:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Distribution System-Water Quality Monitoring System - Phase 1, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1520-02, passed by the Council of the City of Cleveland, October 21, 2002, as authorized by Ordinance No. 1628-06, passed by the Council of the City of Cleveland, October 30, 2006, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, MONDAY, JANUARY 22, 2007 AT 9:30 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 10, 2007 and January 17, 2007

FRIDAY, FEBRUARY 9, 2007

Cleaning and Cement Mortar Lining Area 2007-B, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1843-06, passed by the Council of the City of Cleveland, December 11, 2006.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING, FRIDAY, JANUARY 19, 2007 AT 11:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 10, 2007 and January 17, 2007

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, January 8, 2007 2:00 p.m.

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

Tuesday, January 9, 2007 9:30 a.m.

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

Wednesday, January 10, 2007 10:00 a.m.

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

1:30 p.m.

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

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O—Ordinance; R—Resolution; F—File

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