

The City Record

Official Publication of the Council of the City of Cleveland



June the Fourteenth, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

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

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

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

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

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
 Correction – Robert 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 – _____, 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, Interim Director, Room 500
 DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

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

DEPT. OF ECONOMIC DEVELOPMENT – 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; _____, Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, JUNE 14, 2006

No. 4827

CITY COUNCIL

MONDAY, JUNE 12, 2006

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland
The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, June 12, 2006

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

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

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Father Frank

Godic of Immaculate Conception Church, located at 4129 Superior Avenue, Cleveland, Ohio in Ward 13. Pledge of Allegiance.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1082-06.

Re: New Application — 01007780680 — Aldi, Inc., Ohio, d.b.a. Aldi 66, 7500 Euclid Avenue. (Ward 6). Received.

File No. 1083-06.

Re: New Application — 3693704 — Hayfa, Inc., d.b.a. Sophia Food Market, 10017 Sophia Avenue. (Ward 4). Received.

File No. 1084-06.

Re: New Application — 4125278 — I & I Food, Inc., 2131 East 79th Street. (Ward 6). Received.

File No. 1085-06.

Re: Transfer of Ownership Application — 0575971 — Behjat, LLC, 11824 Lorain Avenue. (Ward 19). Received.

File No. 1086-06.

Re: Transfer of Ownership and Location Application — 2533279 — ER Accordinno, Inc., d.b.a. Machu Picchu Restaurante, 850 Euclid Avenue, first floor. (Ward 13). Received.

File No. 1087-06.

Re: Liquor Agency Contract — 4895627 — Krupa One, Inc., d.b.a. Tony's Market, 3114 Clark Avenue, rear building. (Ward 14). Received.

PLATS

File No. 1088-06.

Mohican Avenue Extension Subdivision Plat.

Approved by Committees on Public Service and City Planning.

Without objection, plat approved. Yeas 18. Nays 0.

File No. 1089-06.

Hill Place Subdivision Plat.
Approved by Committees on Public Service and City Planning.

Without objection, plat approved. Yeas 18. Nays 0.

**RECORDING OF VOTE
OF ABSENT MEMBERS****File No. 1090-06.**

June 12, 2006

TO: Emily Lipovan, Clerk of Council
FROM: Roosevelt Coats, Member of
Council, Ward 10
RE: City Council Meeting

In accordance with Rule 22 of the
Rules of Council, I hereby request
that my vote be recorded as a yea
on the legislation passed and adopt-
ed by Cleveland City Council on
June 5, 2006.

Thank you.

Received.

File No. 1091-06.

June 12, 2006

TO: Emily Lipovan, Clerk of Council
FROM: Jay Westbrook, Member of
Council, Ward 18
RE: City Council Meeting

In accordance with Rule 22 of the
Rules of Council, I hereby request
that my vote be recorded as a yea
on the legislation passed and adopt-
ed by Cleveland City Council on
June 5, 2006.

Thank you.

Received.

RECORD OF VOTE

In accordance with the request of
Council Member Roosevelt Coats
and Council Member Jay Westbrook
and Rule 22 of the Rules of Coun-
cil, the vote on the following ordi-
nances and resolutions were passed
and adopted by Cleveland City Coun-
cil on June 5, 2006 is changed as fol-
lows:

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

Ordinance No. 995-06
Yeas 21. Nays 0.

Ordinance No. 996-06
Yeas 21. Nays 0.

Ordinance No. 1005-06
Yeas 21. Nays 0.

Ordinance No. 1006-06
Yeas 21. Nays 0.

Ordinance No. 1015-06
Yeas 21. Nays 0.

Ordinance No. 1016-06
Yeas 21. Nays 0.

Ordinance No. 1017-06
Yeas 21. Nays 0.

Ordinance No. 1018-06
Yeas 21. Nays 0.

Ordinance No. 1019-06
Yeas 21. Nays 0.

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

Resolution No. 997-06
Yeas 21. Nays 0.

Resolution No. 998-06
Yeas 21. Nays 0.

Resolution No. 1007-06
Yeas 21. Nays 0.

Resolution No. 1008-06
Yeas 21. Nays 0.

Resolution No. 1009-06
Yeas 21. Nays 0.

Resolution No. 1010-06
Yeas 21. Nays 0.

Resolution No. 1011-06
Yeas 21. Nays 0.

Resolution No. 1012-06
Yeas 21. Nays 0.

Resolution No. 1013-06
Yeas 21. Nays 0.

Resolution No. 1014-06
Yeas 21. Nays 0.

Resolution No. 1020-06
Yeas 21. Nays 0.

Resolution No. 1021-06
Yeas 21. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ordinance No. 461-06
Yeas 21. Nays 0.

Ordinance No. 690-05
Yeas 21. Nays 0.

Ordinance No. 737-06
Yeas 21. Nays 0.

Ordinance No. 746-06
Yeas 21. Nays 0.

Ordinance No. 778-06
Yeas 20. Nays 1.

Ordinance No. 779-06
Yeas 21. Nays 0.

Ordinance No. 781-06
Yeas 21. Nays 0.

Ordinance No. 782-06
Yeas 21. Nays 0.

Ordinance No. 783-06
Yeas 21. Nays 0.

Ordinance No. 784-06
Yeas 21. Nays 0.

Ordinance No. 785-06
Yeas 21. Nays 0.

Ordinance No. 788-06
Yeas 21. Nays 0.

Ordinance No. 818-06
Yeas 21. Nays 0.

Ordinance No. 819-06
Yeas 21. Nays 0.Ordinance No. 820-06
Yeas 21. Nays 0.Ordinance No. 822-06
Yeas 21. Nays 0.Ordinance No. 824-06
Yeas 21. Nays 0.Ordinance No. 825-06
Yeas 21. Nays 0.Ordinance No. 826-06
Yeas 21. Nays 0.Ordinance No. 874-06
Yeas 21. Nays 0.Ordinance No. 877-06
Yeas 21. Nays 0.Ordinance No. 884-06
Yeas 21. Nays 0.Ordinance No. 885-06
Yeas 21. Nays 0.Ordinance No. 886-06
Yeas 21. Nays 0.Ordinance No. 933-06
Yeas 21. Nays 0.Ordinance No. 938-06
Yeas 21. Nays 0.**LAID ON THE TABLE**Ordinance No. 943-06
Yeas 21. Nays 0.**CONDOLENCE RESOLUTIONS**

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

Res. No. 1092-06—Crandall Stark.
Res. No. 1093-06—Tom Kiley.
Res. No. 1094-06—Willie Collins.

CONGRATULATION RESOLUTIONS

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

Res. No. 1095-06—Gardner-Perkins
Family Reunion.
Res. No. 1096-06—Canaan Mission-
ary Baptist Church.
Res. No. 1097-06 — Pastor Ronald
E. Maxwell.
Res. No. 1098-06—Sally Falkman.
Res. No. 1099-06—Mary Pearl.

RECOGNITION RESOLUTIONS

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

Res. No. 1100-06 — North Coast
Men's Chorus.
Res. No. 1101-06 — LGBT Pride
Month in Cleveland.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1048-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of prisoner meals, for the Division of Police, Department of Public Safety.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 145654)

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

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

Ord. No. 1049-06.

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

An emergency ordinance authorizing the purchase by one or more contracts of one portable pumping station, include necessary appurtenances, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) portable pumping station, including necessary appurtenances, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water Pollution Control, Department of Public Utilities.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 54 SF 001, Request No. 155030.

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

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

Ord. No. 1050-06.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Midwest Industrial Supply for emulsion and purging solution, for the Division of Streets, Department of Public Service.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Midwest Industrial Supply. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Midwest Industrial Supply under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed one or two years of the necessary items of emulsion and purging solution, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Streets, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage

shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 160073)

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

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

Ord. No. 1051-06.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Baker Vehicle Systems, Inc. for Cushman-Ransome equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and

Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 161682)

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

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

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

Ord. No. 1052-06.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Brom Truck, Inc. for Crane Carrier cab and chassis parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of

the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 161681)

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

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

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

Ord. No. 1053-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of SSI tack coat, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of SSI tack coat in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the ini-

tial 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 certified by the Director of Finance. (RL 160070)

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

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

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

Ord. No. 1054-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of cold mix material, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of cold mix material in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation

account 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 certified by the Director of Finance. (RL 160071)

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

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

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

Ord. No. 1055-06.
By Council Members Brady and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement

contracts with Maltese Fire Equipment Co. for the purchase of Duplex cab and chassis fire apparatus parts and LTI and Grumman fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

tage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account 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 Director of Public Service under a requisition against the contract or contracts certified by the Director of Finance. (RL 161680)

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

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

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

Ord. No. 1056-06.
By Council Members Polensek, Brady, Cimperman and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Service to issue a permit to St. John-Nottingham Lutheran Church to encroach into the public right-of-way of Nottingham Road with two banners to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to St. John-Nottingham Lutheran Church, 17403 Nottingham Road Cleveland Ohio 44119 ("Permittee"), to encroach into the public right-of-way above Nottingham Road by installing, using, and maintaining two banners to be attached to Cleveland Public Power utility poles (by separate permission), at the location locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
17619 Nottingham Rd.	A6966	CPP
17606 Nottingham Rd.	A6964	CPP

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

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

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

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

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

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

Ord. No. 1057-06.**By Council Members Cimperman, Brady and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Clair Superior Development Corporation to encroach into the public right-of-way of St. Clair Avenue from East 30th Street to Ansel Road and Superior Avenue from East 30th Street to East 55th Street with banners to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to St. Clair Superior Development Corporation, 4205 St Clair Avenue Cleveland Ohio 44113 ("Permittee"), to encroach into the public right-of-way above St Clair Avenue from East 30th Street to Ansel Road and Superior Avenue from East 30th Street to East 55th Street by installing, using, and maintaining two banners to be attached to Cleveland Public Power utility poles (by separate permission), at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
ST. CLAIR AVENUE NORTH SIDE		
AT I-90 ON RAMP	NO TAG	CPP
3537 ST. CLAIR	NO TAG	CPP
3951 ST. CLAIR	NO TAG	CPP
4205 ST. CLAIR	NO TAG	CPP
4732 ST. CLAIR	NO TAG	CPP
N.E. CORNER E. 49TH	NO TAG	CPP
HORSBURG & SCOTT	NO TAG	CPP
5349 ST. CLAIR	NO TAG	CPP
5413 ST. CLAIR	NO TAG	CPP
N.E. CORNER E. 55TH	MT 19 4	CPP
6025 ST. CLAIR	MT 19 12	CPP
6225 ST. CLAIR	MT 19 20	CPP
6605 ST. CLAIR	NO TAG	CPP
6735 ST. CLAIR	NO TAG	CPP
N.E. CORNER E. 70TH	NO TAG	CPP
N.E. CORNER E. 73RD	NO TAG	CPP
OPP. S.W. CORNER E. 75TH	NO TAG	CPP
N.W. CORNER OF ANSEL	NO TAG	CPP
ST. CLAIR AVENUE SOUTH SIDE		
S.E. CORNER E. 30TH	NO TAG	CPP
3214 ST. CLAIR	----- 69	CPP
S.E. CORNER E. 36TH	NO TAG	CPP
3922 ST. CLAIR	NO TAG	CPP
4126 ST. CLAIR	NO TAG	CPP
4608 ST. CLAIR	NO TAG	CPP
S.E. CORNER E. 49TH	NO TAG	CPP
5230 ST. CLAIR	NO TAG	CPP
5348 ST. CLAIR	NO TAG	CPP
S.W. CORNER E. 55TH	NO TAG	CPP
S.E. CORNER E. 55TH	NO TAG	CPP
6026 ST. CLAIR	NO TAG	CPP
6220 ST. CLAIR	NO TAG	CPP
S.E. CORNER E. 66TH	NO TAG	CPP
S.E. CORNER E. 68TH	NO TAG	CPP
7016 ST. CLAIR	NO TAG	CPP
7300 ST. CLAIR	NO TAG	CPP
S.W. CORNER E. 78TH	NO TAG	CPP
S.W. CORNER ANSEL	NO TAG	CPP
SUPERIOR AVENUE NORTH SIDE		
N.W. CORNER E. 30TH	NO TAG	CPP
3323 SUPERIOR	NO TAG	CPP
3615 SUPERIOR	M1613	CPP
N.W. CORNER E. 40TH	M1235	CPP
N.E. CORNER E. 43RD	M1226	CPP
4705 SUPERIOR	M1216	CPP
N.E. CORNER E. 51ST	M1210	CPP
N.W. CORNER E. 55TH	M121	CPP

SUPERIOR AVENUE SOUTH SIDE

1ST POLE E. OF E. 30TH	NO TAG	CPP
3320 SUPERIOR	NO TAG	CPP
S.W. CORNER E. 38TH	NO TAG	CPP
S.W. CORNER E. 40TH	NO TAG	CPP
S.E. CORNER E. 43RD	M1326	CPP
4726 SUPERIOR	M1316	CPP
5100 SUPERIOR	M1310	CPP
S.W. CORNER E. 55TH	M131	CPP

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

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

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

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

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

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

Ord. No. 1058-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of reclaimed or virgin asphalt concrete in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged

against the proper appropriation account 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 certified by the Director of Finance. (RL 160072)

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

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

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

Ord. No. 1059-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of photo supplies, for the Division of Police, Department of Public Safety.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 145655)

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

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

**Ord. No. 1060-06.
By Council Members Cleveland,
Conwell, Cimperman and Sweeney
(by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in a portion of City-owned property located at the southeast corner of Woodland Avenue and East 67th Street and declaring the easement rights not needed for public use.

Whereas, Dominion East Ohio Gas ("Dominion") has requested the Department of Public Safety to convey certain easement rights in a portion of City-owned property located at the southeast corner of Woodland Avenue and East 67th Street; and

Whereas, Dominion requires the easement to install a measuring and regulation station; and

Whereas, the easement rights to be granted are not needed for public use; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for public use:

P. P. No. 124-14-009

(part of) - Fire Station No. 9

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Sublot No. 48 in the John Robertson Allotment of a part of Original One Hundred Acre Lot No. 332, as shown by the recorded plat in Volume 3 of Maps, Page 49 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point at the intersection of the Southerly line of Woodland Avenue, S.E. (80 feet wide) with the Easterly line of East 67th Street, (50 feet wide); thence Easterly, along said Southerly line of Woodland Avenue S.E., 10 feet to a point therein; thence Southerly, along a line parallel with the Easterly line of East 67th Street, 10 feet to a point; thence Westerly, along a line parallel with said Southerly line of Woodland Avenue S.E., 10 feet to a point in the Easterly line of said East 67th Street; thence Northerly along said Easterly line of East 67th Street, 10 feet to the place of beginning.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement to Dominion, subject to any conditions stated in this ordinance, at a price to be determined by the Board of Control. The amount to be paid for the easement shall be credited to a fund created by the Director of Finance for improvements or expenses at Fire House No. 9, and the funds placed in that fund are appropriated for that purpose.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to

install a measuring and regulating station on a portion of City-owned land located at the southeast corner of Woodland Avenue and East 67th Street.

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

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Safety on behalf of the City of Cleveland. The deed of easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Safety and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the installation of a measuring and regulating station in a portion of City-owned property located at the southeast corner of Woodland Avenue and East 67th Street within the property described in this ordinance.

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

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

Ord. No. 1061-06.

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

An emergency ordinance authorizing the purchase by one or more contracts of four chilled water coils, including labor and materials necessary to remove, replace, and dispose of the existing coils, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: four chilled water coils, including labor and materials necessary to remove, replace, and dispose of the existing coils, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall

be paid from Fund No. 20 SF 332, Request No. 164912.

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

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

Ord. No. 1062-06.

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

An emergency ordinance to amend Section 559.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 109-56, passed February 11, 1957, relating to the designation of the Cleveland Cultural Gardens; and to enact new Sections 559.235 through 559.243 relating to future gardens.

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 559.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 109-56, passed February 11, 1957, is amended to read as follows:

Section 559.02 Designation of Cleveland Cultural Gardens

In view of the improvements installed and now existing in Rockefeller Parkway, and with the view to perpetuating the sentimental and historical association established, all that portion of Rockefeller Parkway lying between Superior, N.E., on the south, St. Clair Ave., on the north, except that portion bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Nos. 367, 375-377, 384 and 385 of East Cleveland Township, and bounded and described as follows:

All that portion of Rockefeller Parkway lying between Superior Ave, N. E., on the South, the New York Central Lines, LLC, on the North, except that portion of St. Clair Ave. N. E. lying within these bounds, shall be designated Cleveland Cultural Gardens.

Cleveland Cultural Gardens shall be subdivided into units, bounded and described in the following sections.

Legal description written in May 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882, subject to all legal highways and easements of record.

Cleveland Cultural Gardens shall be subdivided into units, bounded and described in the following sections.

Section 2. That existing Section 559.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 109-56, passed February 11, 1957, is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, is supplemented by enacting new Sections 559.235, 559.236, 559.237, 559.238, 559.239, 559.240, 559.241, 559.242, and 559.243 to read as follows:

Section 559.235 Latvian Garden
0.6036 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence South 32° 14' 33" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 90.09 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 1350.00 feet, a central angle of 27° 35' 12", an arc of 650.00 feet, a chord of 643.74 feet, which bears South 18° 26' 56" East to a point of tangency;

Thence South 4° 39' 20" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 180.00 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the left, having a radius of 1200.00 feet, a central angle of 33° 25' 21", an arc of 700.00 feet, a chord of 690.12 feet, which bears South 21° 22' 01" East to a point of tangency;

Thence South 38° 04' 41" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 200.00 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 1150.00 feet, a central angle of 15° 56' 35", an arc of 320.00 feet, a chord of 318.97 feet, which bears South 30° 06' 24" East to a point of reverse curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the left, having a radius of 2800.00 feet, a central angle of 3° 12' 17", an arc of 156.61 feet, a chord of 156.59 feet, which bears South 23° 44' 15" East;

Thence radial from said centerline South 64° 39' 37" West a distance of 35.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence along a curve deflecting to the left, parallel to and 35.00 feet West of the centerline of said Dr. Martin Luther King, Jr. Drive, having a radius of 2835.00 feet, a central angle of 1° 49' 04", an arc of 89.94 feet, a chord of 89.94 feet, which bears South 26° 14' 55" East to a capped 5/8" iron pin set;

Thence South 24° 21' 48" East a distance of 130.06 feet to a capped 5/8" iron pin set;

Thence South 60° 13' 29" West a distance of 84.00 feet to the East bank of Doan Creek a capped 5/8" iron pin set;

Thence along the East bank of Doan Creek the following four (4) courses and distances, each to a capped 5/8" iron pin set:

Along a curve deflecting to the left, having a radius of 1500.00 feet, a central angle of 3° 52' 13", an arc of 101.32 feet, a chord of 101.31 feet, which bears North 64° 36' 42" West;

North 41° 00' 55" West a distance of 29.87 feet;

North 7° 34' 37" East a distance of 41.75 feet;

Along a curve deflecting to the left, having a radius of 675.00 feet, a central angle of 9° 38' 39", an arc of 113.62 feet, a chord of 113.48 feet, which bears North 16° 44' 15" East;

Thence North 64° 39' 37" East a distance of 58.00 feet to the principal place of beginning and containing 0.6036 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 559.236 Azerbaijan Garden
0.4992 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 50° 02' 35", an arc of 690.00 feet, a chord of 668.28 feet, which bears North 7° 13' 15" West to a point of tangency;

Thence North 17° 48' 03" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 170.84 feet;

Thence at right angles from said centerline South 72° 11' 57" East a distance of 35.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence North 17° 48' 03" East, parallel to and 35.00 feet East of the

centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 26.77 feet to a capped 5/8" iron pin set;

Thence North 37° 52' 45" East a distance of 45.76 feet to a capped 5/8" iron pin set;

Thence parallel to and approximately 14.5' West of the edge of pavement of an existing private drive the following two (2) courses and distances, each to a capped 5/8" iron pin set;

Along a curve deflecting to the right, having a radius of 207.00 feet, a central angle of 19° 33' 48" an arc of 70.68 feet, a chord of 70.34 feet, which bears South 29° 44' 21" East;

South 16° 52' 50" East a distance of 42.22 feet;

Thence South 31° 47' 43" East a distance of 18.18 feet to a capped 5/8" iron pin set;

Thence parallel to and approximately 9' West of the edge of pavement of an existing private drive South 9° 21' 35" East a distance of 157.86 feet to a capped 5/8" iron pin set;

Thence South 77° 34' 33" West a distance of 88.86 feet to the East bank of Doan Creek, a capped 5/8" iron pin set;

Thence along the East bank of Doan Creek, along a curve deflecting to the right, having a radius of 825.00 feet, a central angle of 9° 28' 14", an arc of 136.37 feet, a chord of 136.21 feet, which bears North 8° 44' 07" West to a capped 5/8" iron pin set;

Thence North 6° 41' 29" West a distance of 96.22 feet to the principal place of beginning and containing 0.4992 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 559.237 Serbian Garden
1.4314 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 20° 46' 13",

an arc of 286.38 feet, a chord of 284.82 feet, which bears North 21° 51' 26" West;

Thence radial from said centerline South 78° 31' 40" West a distance of 35.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence the following five (5) courses and distances, each to a capped 5/8" iron pin set:

South 78° 00' 47" West a distance of 100.00 feet;

North 11° 59' 13" West a distance of 50.00 feet;

North 0° 32' 02" East a distance of 480.00 feet;

North 24° 50' 26" East a distance of 80.00 feet;

South 65° 09' 34" East a distance of 140.00 feet to a point that is 35.00 feet at right angles from the centerline of said Dr. Martin Luther King, Jr. Drive;

Thence South 17° 48' 0" East, parallel to and 35.00 feet East of the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 110.92 to a capped 5/8" iron pin set;

Thence along a curve deflecting to the left, parallel to and 35.00 feet West of the centerline of said Dr. Martin Luther King, Jr. Drive, having a radius of 825.00 feet, a central angle of 29° 16' 23", an arc of 421.50 feet, a chord of 416.93 feet, which bears South 3° 09' 51" West to the principal place of beginning and containing 1.4314 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 559.238 Future Garden at 691 Martin Luther King, Jr. Boulevard

PROPOSED GARDEN SITE

1.1765 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 50° 02' 35", an arc of 690.00 feet, a chord of

668.28 feet, which bears North 7° 13' 15" West to a point of tangency;

Thence North 17° 48' 03" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 275.00 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the left, having a radius of 1000.00 feet, a central angle of 50° 54' 20", an arc of 888.47 feet, a chord of 859.53 feet, which bears North 7° 39' 07" West;

Thence radial from said centerline North 56° 53' 45" East a distance of 35.00 feet to the East bank of Doan Creek, the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence along the following two (2) courses and distances, each to a capped 5/8" iron pin set:

North 4° 09' 16" East a distance of 197.50 feet;

South 74° 06' 04" East a distance of 154.76 feet;

Thence parallel to and approximately 15' West and North of the edge of pavement of an existing private drive the following four (4) courses and distances, each to a capped 5/8" iron pin set:

Along a curve deflecting to the left, having a radius of 210.00 feet, a central angle of 31° 38' 50", an arc of 115.99 feet, a chord of 114.52 feet, which bears South 15° 39' 29" West;

Along a curve deflecting to the right, having a radius of 150.00 feet, a central angle of 38° 04' 30", an arc of 99.68 feet, a chord of 97.86 feet, which bears South 18° 52' 18" West;

Along a curve deflecting to the right, having a radius of 100.00 feet, a central angle of 77° 32' 34", an arc of 135.34 feet, a chord of 125.24 feet, which bears South 76° 40' 50" West;

North 50° 27' 26" West a distance of 56.65 feet to a point that is 35.00 feet radial from the centerline of said Dr. Martin Luther King, Jr. Drive;

Thence along a curve deflecting to the left, parallel to and 35.00 feet East of the centerline of said Dr. Martin Luther King, Jr. Drive, having a radius of 1035.00 feet, a central angle of 5° 52' 14", an arc of 106.05 feet, a chord of 106.00 feet, which bears North 30° 10' 10" West to the principal place of beginning and containing 1.1765 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only. All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Gregory J. Chatham — Professional Surveyor No. 7882.

Section 559.239 Future Garden at 710 Martin Luther King, Jr. Boulevard

PROPOSED GARDEN SITE

1.4378 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of

Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 50° 02' 35", an arc of 690.00 feet, a chord of 668.28 feet, which bears North 7° 13' 15" West to a point of tangency;

Thence North 17° 48' 03" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 275.00 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the left, having a radius of 1000.00 feet, a central angle of 3° 07' 59", an arc of 54.68 feet, a chord of 54.68 feet, which bears North 16° 14' 03" East;

Thence radial from said centerline North 75° 19' 56" West a distance of 35.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence continuing North 75° 19' 56" West a distance of 81.00 feet to the East bank of Doan Creek a capped 5/8" iron pin set;

Thence along the East bank of Doan creek the following six (6) courses and distances, each to a capped 5/8" iron pin set:

North 9° 30' 00" East a distance of 53.45 feet;

North 6° 03' 51" West a distance of 60.34 feet;

North 9° 43' 10" East a distance of 128.29 feet;

Along a curve deflecting to the left, having a radius of 82.00 feet, a central angle of 46° 07' 12", an arc of 66.01 feet, a chord of 64.24 feet, which bears North 22° 33' 55" West;

Along a curve deflecting to the right, having a radius of 129.50 feet, a central angle of 68° 54' 46", an arc of 155.76 feet, a chord of 146.54 feet, which bears North 26° 01' 40" West;

Along a curve deflecting to the left, having a radius of 240.00 feet, a central angle of 20° 46' 00", an arc of 86.99 feet, a chord of 86.51 feet, which bears North 0° 35' 33" East;

Thence North 69° 41' 25" East a distance of 121.31 feet to a point that is 35.00 feet radial from the centerline of said Dr. Martin Luther King, Jr. Drive a capped 5/8" iron pin set;

Thence along a curve deflecting to the right, parallel to and 35.00 feet West of the centerline of said Dr. Martin Luther King, Jr. Drive, having a radius of 965.00 feet, a central angle of 34° 58' 39", an arc of

589.11 feet, a chord of 580.00 feet, which bears South 2° 49' 16" East to the principal place of beginning and containing 1.4378 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 559.240 Future Garden at 711 Martin Luther King, Jr. Boulevard

PROPOSED GARDEN SITE
0.4691 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 50° 02' 35", an arc of 690.00 feet, a chord of 668.28 feet, which bears North 7° 13' 15" West to a point of tangency;

Thence North 17° 48' 03" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 275.00 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the left, having a radius of 1000.00 feet, a central angle of 19° 49' 18", an arc of 345.95 feet, a chord of 344.23 feet, which bears North 7° 53' 24" East;

Thence radial from said centerline North 87° 58' 45" East a distance of 35.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence along a curve deflecting to the left, parallel to and 35.00 feet East of the centerline of said Dr. Martin Luther King, Jr. Drive, having a radius of 1035.00 feet, a central angle of 8° 51' 58", an arc of 160.16 feet, a chord of 160.00 feet, which bears North 6° 27' 14" West to a capped 5/8" iron pin set;

Thence North 70° 59' 27" East a distance of 115.00 feet to a capped 5/8" iron pin set;

Thence South 6° 27' 14" East a distance of 210.00 feet to a capped 5/8" iron pin set;

Thence North 83° 53' 56" West a distance of 115.00 feet to the principal place of beginning and containing 0.4691 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 559.241 Future Garden at 741 Martin Luther King, Jr. Boulevard

PROPOSED GARDEN SITE
0.7205 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 50° 02' 35", an arc of 690.00 feet, a chord of 668.28 feet, which bears North 7° 13' 15" West to a point of tangency;

Thence North 17° 48' 03" East, along the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 275.00 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the left, having a radius of 1000.00 feet, a central angle of 10° 09' 23", an arc of 177.26 feet, a chord of 177.03 feet, which bears North 12° 43' 21" East;

Thence radial from said centerline South 82° 21' 21" East a distance of 35.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence continuing South 82° 21' 21" East a distance of 115.00 feet to a capped 5/8" iron pin set;

Thence South 1° 00' 40" West a distance of 244.07 feet to a capped 5/8" iron pin set;

Thence South 42° 55' 17" East a distance of 33.90 feet to the Northeast corner of Proposed Garden #30, a capped 5/8" iron pin set;

Thence South 61° 34' 42" West, along the North line of said Proposed Garden #30, a distance of 80.00 feet to the Northwest corner thereof, a capped 5/8" iron pin set;

Thence parallel to and approximately 5.5' East of the edge of pavement of an existing private drive the following two (2) courses and distances, each to a capped 5/8" iron pin set:

Along a curve deflecting to the left, having a radius of 1053.00 feet, a central angle of 1° 59' 34", an arc of 36.62 feet, a chord of 36.62 feet, which bears North 13° 15' 59" West;

Along a curve deflecting to the left, having a radius of 222.00 feet, a central angle of 38° 20' 29", an arc of 148.56 feet, a chord of 145.80 feet, which bears North 31° 13' 33" West;

Thence North 7° 16' 35" East a distance of 126.10 feet to a point that is 35.00 feet radial from the centerline of said Dr. Martin Luther King, Jr. Drive;

Thence along a curve deflecting to the left, parallel to and 35.00 feet East of the centerline of said Dr. Martin Luther King, Jr. Drive, having a radius of 1035.00 feet, a central angle of 2° 03' 43", an arc of 37.25 feet, a chord of 37.25 feet, which bears North 8° 40' 31" East to the principal place of beginning and containing 0.7205 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 559.242 Future Garden at 780 East Boulevard

PROPOSED GARDEN SITE
0.9203 ACRES

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 301.46 feet;

Thence at right angles from said centerline North 31° 16' 10" West a distance of 281.85 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence parallel to and approximately 5.5' East of the edge of pavement of an existing private drive the following three (3) courses and distances, each to a capped 5/8" iron pin set:

Along a curve deflecting to the right, having a radius of 329.00 feet, a central angle of 22° 21' 14", an arc of 128.36 feet, a chord of 127.55 feet, which bears North 33° 36' 55" West;

Along a curve deflecting to the right, having a radius of 725.00 feet,

a central angle of 9° 29' 33", an arc of 120.11 feet, a chord of 119.98 feet, which bears North 12° 46' 17" West; Along a curve deflecting to the left, having a radius of 1053.00 feet, a central angle of 5° 51' 31", an arc of 107.67 feet, a chord of 107.62 feet, which bears North 9° 20' 27" West to the Southwest corner of Proposed Garden #28;

Thence along the South line of said Proposed Garden #28, a distance of 80.00 feet to the Southeast corner thereof, a capped 5/8" iron pin set;

Thence along the following four (4) courses and distances, each to a capped 5/8" iron pin set:

South 42° 55' 17" East a distance of 124.14 feet;

South 3° 44' 30" East a distance of 143.42 feet;

South 6° 16' 44" West a distance of 118.31 feet;

South 66° 36' 56" West a distance of 40.00 feet to the principal place of beginning and containing 0.9203 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

Section 559.243 Future Garden at 781 Martin Luther King, Jr. Boulevard

**PROPOSED GARDEN SITE
1.2972 ACRES**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 367 of East Cleveland Township, and also contained within Section "A", Brookway Division of Rockefeller Park, and bounded and described as follows:

Beginning at the intersection of St. Clair Street, N.E., 80 feet wide, with the East line of said Original 100 Acre Lot No. 367, a 5/8" iron pin monument box found and used;

Thence South 58° 43' 50" West, along the centerline of said St. Clair Street, N.E. a distance of 744.20 feet to the centerline intersection of Dr. Martin Luther King, Jr. Drive, a private road within said Rockefeller Park, which point of intersection is in the centerline of a bridge over passing said Martin Luther King Drive;

Thence North 32° 14' 33" West, along the centerline of said Dr. Martin Luther King, Jr. Drive a distance of 34.91 feet to a point of curvature;

Thence along the centerline of said Dr. Martin Luther King, Jr. Drive, along a curve deflecting to the right, having a radius of 790.00 feet, a central angle of 16° 45' 24", an arc of 231.04 feet, a chord of 230.22 feet, which bears North 23° 51' 51" West;

Thence radial from said centerline North 74° 30' 51" East a distance of 23.00 feet to the principal place of beginning of the land herein intended to be described, a capped 5/8" iron pin set;

Thence along a curve deflecting to the right, parallel to and 23.00 feet East of the centerline of said Dr. Martin Luther King, Jr. Drive,

having a radius of 767.00 feet, a central angle of 33° 17' 12", an arc of 445.60 feet, a chord of 439.36 feet, which bears North 1° 09' 27" East to a capped 5/8" iron pin set;

Thence South 72° 11' 57" East a distance of 12.00 feet to a capped 5/8" iron pin set;

Thence North 17° 48' 03" East, parallel to and 35.00 feet East of the centerline of said Dr. Martin Luther King, Jr. Drive, a distance of 50.88 feet to the West bank of Doan Creek, a capped 5/8" iron pin set;

Thence along the West bank of Doan creek the following four (4) courses and distances, each to a capped 5/8" iron pin set:

South 15° 43' 58" East a distance of 105.06 feet;

Along a curve deflecting to the left, having a radius of 467.00 feet, a central angle of 15° 20' 22", an arc of 125.03 feet, a chord of 124.65 feet, which bears South 18° 07' 03" East;

Along a curve deflecting to the right, having a radius of 288.00 feet, a central angle of 26° 51' 52", an arc of 135.04 feet, a chord of 133.80 feet, which bears South 23° 28' 41" East;

South 3° 09' 56" East a distance of 97.04 feet;

Thence South 74° 30' 51" West a distance of 167.87 feet to the principal place of beginning and containing 1.2972 acres of land, according to the survey of March 2006 by Braun-Prenosil Associates, Inc., by Gregory J. Chatham Professional Surveyor No. 7882 be the same more or less but subject to all legal highways and easements of record.

Bearings are based on the centerline of St. Clair Street, N.E. (South 58° 43' 50" West) as recorded in deed Vol. 660, Pg. 288 of Cuyahoga County Records and are used to denote angles only.

All pins set are 30-inch long by 5/8-inch diameter rebar with caps imprinted "Braun-Prenosil Assoc."

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

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

**Ord. No. 1063-06.
By Council Members Cimperman and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept one or more grants from Northeast Ohio Area Coordinating Agency for the Transportation for Livable Communities Initiative Program; and authorizing the Director to enter into one or more contracts to analyze and plan transportation improvements.

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

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

Section 1. That the Director of the City Planning Commission is authorized to apply for and accept one or more grants totaling \$184,000, from

Northeast Ohio Area Coordinating Agency to conduct the Transportation for Livable Communities Initiative Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the application packet for the grants contained in the file described below.

Section 2. That the application packet for the grants, File No. 1063-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of the City Planning Commission is authorized to enter into one or more contracts with the following entities for technical assistance and for professional services to analyze and plan transportation improvements necessary to implement the grant: Famicos Foundation, Old Brooklyn Neighborhood Services and Clark-Metro Development Corporation.

Section 4. That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

**Ord. No. 1065-06.
By Council Member Conwell.
An emergency ordinance to change the name of Gray Avenue to Ted Ginn Sr. 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, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the name of Gray Avenue shall be changed to Ted Ginn Sr. Avenue.

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.

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

**Ord. No. 1069-06.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with BAE Systems for professional services necessary to provide noise monitoring system software upgrades and maintenance.**

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 Port Control is authorized to enter into one or more contracts with BAE Systems for professional services necessary to provide noise monitoring system software upgrades and maintenance on the basis of its pro-

posal dated March 14, 2006, for the Department of Port Control. The contract or contracts shall not exceed \$50,000 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 150594.

Section 2. That this ordinance is declared to be an emergency mea-

sure 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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

FIRST READING ORDINANCE REFERRED

Ord. No. 1064-06.

By Council Member Cimperman.

An ordinance to change the Use District of a parcel of land located on the southwest corner of Rowley Avenue and West 11th Street from a Two-Family Residential District to a Local Retail Business District as shown on the attached map (Map Change No. 2182, Sheet Numbers 5 & 6).

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

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

Beginning in the centerline of Rowley Avenue at its intersection with the centerline of West 11th Street;

Thence westerly along said centerline of Rowley Avenue to its intersection with the northerly prolongation of the westerly line of Sublot Number 45 in the Meyer Re-Allotment Subdivision as shown on the recorded plat in Volume 12 of Maps; Page 8 of Cuyahoga County Records (said parcel also being known as Cuyahoga County's Permanent Parcel Number 008-14-003);

Thence southerly along said westerly line to its intersection with a line drawn 40 feet north of and parallel to the northerly line of Sublot Number 46 in said Subdivision (said parcel also being known as Permanent Parcel Number 008-14-016);

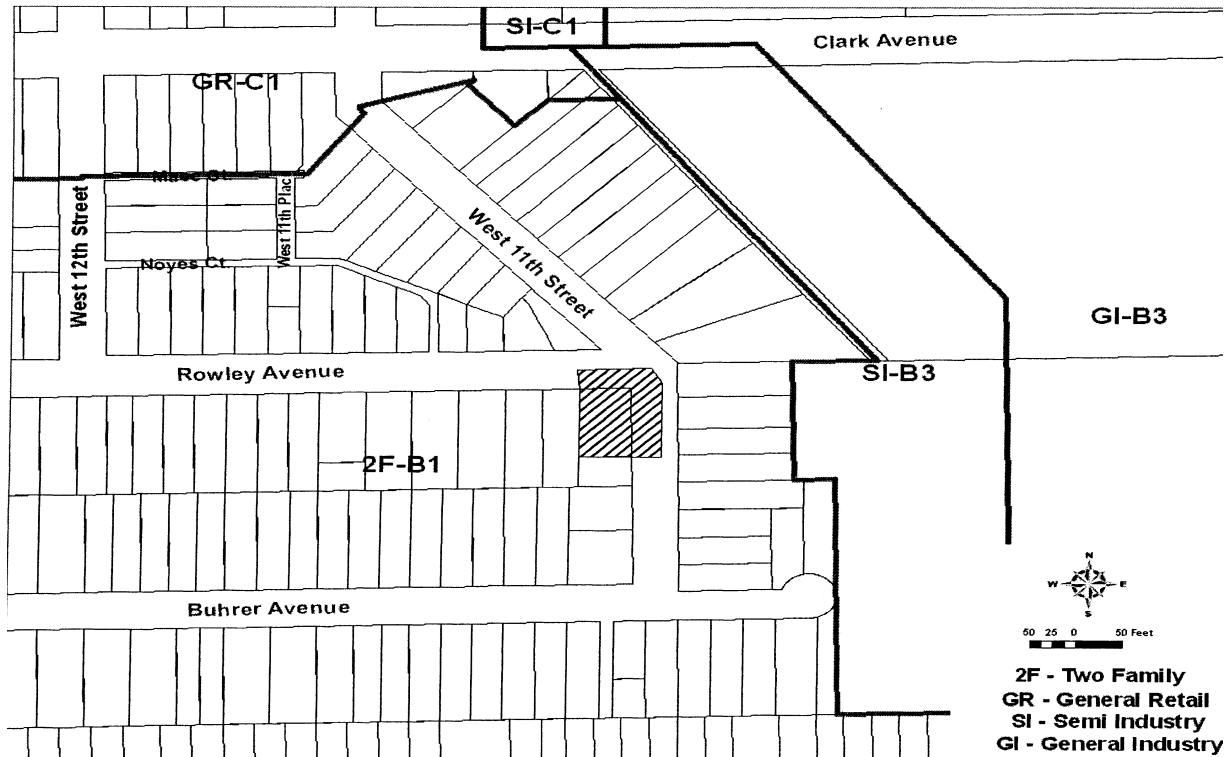
Thence easterly along said parallel line and along its easterly prolongation to its intersection with the centerline of West 11th Street;

Thence northerly along said centerline to its intersection with the centerline of Rowley Avenue and the principal place of beginning;

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

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2182, Sheet Numbers 5 & 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1066-06.
By Council Member Kelley.
An emergency ordinance to amend the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2219-2000 passed April 30, 2001 relating to rates of fare and receipts.

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 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2219-2000 passed April 30, 2001 is hereby amended to read as follows:

Section 443.26 Rates of Fare; Receipts

(a) The maximum rates of fare for gasoline fueled or propane fueled taxicabs shall be as follows:

(1) For the first one-sixth mile or fraction thereof, **two dollars and eighty cents (\$2.80).**

(2) For each succeeding one quarter mile or fraction thereof, forty cents (\$0.40).

(b) *Waiting Time or Traffic Delay Charge.* The rate for waiting or traffic delay shall be fifteen dollars (\$15.00) per hour except for coaches hired at the hourly rate.

(c) *Hourly Rate.* Public hacks may, upon request of passengers, accept employment whereby the fare to be asked may be computed on an hourly rental. When a public hack is so employed, the fare to be charged shall be computed from the time of leaving the nearest station of the owner to the time of returning to the nearest station from the point of dismissal.

(d) *Receipt to be Given.* Upon request of a passenger, the owner, driver, chauffeur or other person in charge or control of a public hack shall deliver to the person paying for the hire of the same at the time of such payment a receipt therefore upon a blank, the form of which is to be prescribed and approved by the Commissioner of Assessments and Licenses. The receipt shall contain in legible type or writing the

name of the owner, the City license number, the driver's City license number and other items for which a charge is made, the total amount paid and the date of payment.

Section 2. That, this Section 443.26 shall expire and be of no further force and effect 6 months from the effective date of this ordinance.

Section 3. That existing Section 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2219-2000 passed April 30, 2001 is hereby repealed.

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

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

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

Ord. No. 1067-06.
By Council Members Lewis and Sweeney (by departmental request).

An emergency ordinance approving the tentative collective bargaining agreement with International Brotherhood of Electrical Workers, AFL-CIO, Local 39; and amending Section 24 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 tentative collective bargaining agreement with International Brotherhood of Electrical Workers, AFL-CIO, Local 39, under the terms contained in File No. 1067-06-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:

Increase	Effective Date of Increase
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 June 11, 2006, which amount is not part of the member's wage base.

Section 2. That Section 24 of Ordinance No. 289-06, passed March 27, 2006, is amended to read as follows:

Section 24. International Brotherhood of Electrical Workers, AFL-CIO, Local 39. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Apprentice Cable Splicer.....	\$ 14.78	\$ 23.45
2. Apprentice Lineman.....	\$ 14.89	\$ 23.63
3. Cable Foreman.....	\$ 20.92	\$ 30.83
4. Cable Splicer.....	\$ 17.46	\$ 25.75
5. Cable Splicer I.....	\$ 18.72	\$ 27.60
6. Cable Splicer II.....	\$ 17.14	\$ 25.26
7. Cable Splicer Helper.....	\$ 12.62	\$ 21.68
8. Dispatcher Electric System Operator.....	\$ 17.64	\$ 26.00
9. Electric Meter Industrial Installer.....	\$ 18.64	\$ 27.50
10. Electric Meter Instrument Specialist and General Tester.....	\$ 18.86	\$ 27.81
11. Electric Meterman Apprentice.....	\$ 14.55	\$ 23.11
12. Electric Meter Service Foremen.....	\$ 20.92	\$ 30.83
13. Electric Meter Service Installer I.....	\$ 17.38	\$ 25.61
14. Electric Meter Service Installer II.....	\$ 16.18	\$ 23.87
15. Electric Motor and Transformer Repairman.....	\$ 17.38	\$ 25.61
16. Electric Switchboard Operator Foreman.....	\$ 20.92	\$ 30.83
17. Electric Transmission and Distribution Inspector.....	\$ 18.72	\$ 27.60

18.	Foreman Low Tension.....	\$ 20.55	\$ 30.30
19.	Gas Turbine Mechanic.....	\$ 17.38	\$ 25.61
20.	Gas Turbine Mechanic Apprentice.....	\$ 14.78	\$ 23.45
21.	Junior Electric Switchboard Operator.....	\$ 14.86	\$ 21.92
22.	Leader Lineman Low-Tension.....	\$ 19.93	\$ 29.40
23.	Line Foreman.....	\$ 20.92	\$ 30.83
24.	Line Clearance Man.....	\$ 14.62	\$ 22.80
25.	Line Helper Driver.....	\$ 12.44	\$ 22.34
26.	Lineman.....	\$ 18.72	\$ 27.60
27.	Lineman Leader.....	\$ 20.06	\$ 29.57
28.	Line Switchman.....	\$ 20.06	\$ 29.57
29.	Low Tension Lineman.....	\$ 17.46	\$ 25.75
30.	Low Tension Lineman Apprentice.....	\$ 14.37	\$ 22.80
31.	Low Tension Trouble Lineman.....	\$ 18.30	\$ 29.26
32.	Police Division Trouble Lineman.....	\$ 19.19	\$ 28.29
33.	Safety Signal Trouble Lineman.....	\$ 19.19	\$ 28.29
34.	Senior Cable Splicer.....	\$ 19.71	\$ 29.07
35.	Senior Electric Switchboard Operator.....	\$ 16.39	\$ 24.15
36.	Senior Lineman.....	\$ 19.71	\$ 29.07
37.	Signal System Powerman.....	\$ 19.54	\$ 28.82
38.	Telecommunications Technician.....	\$ 19.54	\$ 28.82
39.	Traffic Signal Control Technician.....	\$ 20.69	\$ 30.50
40.	Transformer Repairman Foreman.....	\$ 20.92	\$ 30.83
41.	Trouble Lineman.....	\$ 19.71	\$ 29.07
42.	Underground Conduit Foreman.....	\$ 20.92	\$ 30.83

Section 3. That existing Section 24 of Ordinance No. 289-06, passed March 27, 2006, is repealed.

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

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

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

Ord. No. 1068-06.

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

An emergency ordinance to amend Section 12 of Ordinance No. 289-06, passed March 27, 2006, relating to compensation for various classifications.

Whereas, the Fact Finder's Report and Recommendation concerning SERB Case No. 04-MED-11-1334 and AAA Case No. 53 390 00321 05 for the International Union of Operating Engineers, Local 18-S, addressed miscellaneous disputed labor issues only and did not incorporate certain core bargaining issues; and

Whereas, the Fact Finder's Report and Recommendation were deemed certified by virtue of Section 4117.14 of the Revised Code seven days after the issuance of the recommendations dated April 19, 2006; and

Whereas, it is necessary to memorialize certain core bargaining points; and

Whereas, it is also necessary to amend Ordinance No. 289-05, passed March 27, 2006, to increase the appropriate payband sections to reflect the three percent increase for 2006; and

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

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

Section 1. That Section 12 of Ordinance No. 289-06, passed March 27, 2006 is amended to read as follows:

Section 12. International Union of Operating Engineers, Local 18-S. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1.	Building Stationary Engineer.....	\$ 10.14	\$ 18.52
2.	Chief Building Stationary Engineer.....	\$ 12.37	\$ 19.81
3.	Chief Stationary Engineer.....	\$ 10.00	\$ 21.04
4.	Stationary Boiler Room Operator.....	\$ 12.29	\$ 19.21
5.	Water Plant Operator I.....	\$ 15.70	\$ 20.28
6.	Water Plant Operator II.....	\$ 17.73	\$ 21.72

Section 2. That existing Section 12 of Ordinance No. 289-06, passed March 27, 2006 is repealed.

Section 3. That in addition to the percentage increase effective April 1, 2006, each eligible member of the bargaining agreement will receive a separate payment in the amount of \$500.00 on or about June 11, 2006, which amount is not part of the member's wage base.

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

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

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

Ord. No. 1070-06.

By Council Members Lewis, Polensek, Turner, Kelley, Westbrook, Brady, Dolan and Coats.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 626-06 passed April 3, 2006, as amended by Ordinance No. 710-06 passed April 19, 2006 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program through the use of Ward(s) 10, 7, 11, 1, 16, 18, 19 and 21 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 626-06 passed April 3, 2006 as amended by Ordinance No. 710-06 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program through the use of Ward(s) 1, 7, 11, 16, 18, 19 and 21 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program for the public purpose of promoting restoration and preservation of historic homes in the City of Cleveland through the use of ward(s) 1, 7, 11, 16, 18, 19 and 21 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$81,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 626-06 passed April 3, 2006, as amended by Ordinance No. 710-06 passed April 19, 2006 are hereby repealed.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Ord. No. 1071-06.

By Council Member Turner.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Harvard Community Services Center for the Community Expo Program through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Harvard Community Services Center for the Community Expo Program for the public purpose of providing an educational expo for city of Cleveland residents on the various services and programs that are offered by the many different nonprofit organizations and city departments through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Ord. No. 1072-06.

By Council Member Zone.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Wendy Park Foundation for the Great Lakes Community Expo Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Wendy Park Foundation for the Great Lakes Community Expo Program for the public purpose of providing an educational expo for city of Cleveland residents on the environmental history of the great lakes and educating them on the various services and programs that are offered by the many different nonprofit organizations and city departments through the use of Ward 17 Neighborhood Equity Funds.

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

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Ord. No. 1073-06.

By Council Member Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Northeast Shores Development Corporation to stretch four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 5, 2006 thru August 9, 2006, inclusive, publicizing the East 185th Street Festival.

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 Northeast Shores Development Corporation to install, maintain and remove four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th LaSalle at East 185th and Pawnee at East 185th, for the period from July 9, 2006 to August 9, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Ord. No. 1074-06.

By Council Members Pierce Scott and Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Glenville Festival Committee to stretch banners on St. Clair at East 67th, East 105th, and East 110th Street & East 123rd and Superior, for the period from June 20, 2006 through July 20, 2006, inclusive, to celebrate the annual Glenville Heritage Festival.

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 Festival Committee to install, maintain and remove banners on St. Clair at East 67th, East 105th, and East 110th, & East 123rd & Superior, for the period from June 20, 2006 through July 20, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Ord. No. 1075-06.

By Council Member Dolan.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Monastery of the Poor Clares to stretch a banner (Pole Nos. 322875 and 539488) at 3501 Rocky River Drive, for the period from June 15, 2006 to July 1, 2006, inclusive, publicizing the 100th Year Anniversary of the Monastery of the Poor Clares.

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 Monastery of the Poor Clares to install, maintain and remove a banner (Pole Nos. 322875 and 539488) at 3501 Rocky River Drive, 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1076-06.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Family Unity Day in the Park to stretch banners on CPP utility poles (by separate permission) which will encroach into the right of way of Kinsman Road and Martin Luther King Boulevard for the period from June 29, 2006 through July 29, 2006, inclusive.

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 Family Unity Day in the Park to install, maintain and remove banners at the intersections of Kinsman Road and Martin Luther King Blvd. for the period from June 29, 2006 through July 29, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner

of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Ord. No. 1077-06.

By Council Members Kelley, Polensek, Cummins, Westbrook, Brady and Sweeney.

An emergency ordinance authorizing the Director of Parks, Properties and Recreation to enter into an agreement with National Junior Tennis League of Cleveland, Inc. for the National Junior Tennis League of Cleveland Program through the use of Ward 16, 11, 15, 18, 19 and 20 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Properties and Recreation is authorized to enter into an agreement with National Junior Tennis League of Cleveland, Inc. for the National Junior Tennis League of Cleveland Program for the public purpose of providing recreational tennis activities for City of Cleveland youth through the use of Wards 16, 11, 15, 18, 19 and 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$16,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

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

Res. No. 1078-06.

By Council Member Britt.

An emergency resolution objecting to a New C2 Liquor Permit at 2131 East 79th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at I & I Food, Inc., 2131 East 79th Street, Cleveland, Ohio 44103, Permanent Number 4125278; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at I & I Food, Inc., 2131 East 79th Street, Cleveland, Ohio 44103, Permanent Number 4125278, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1079-06.

By Council Member Johnson.

An emergency resolution objecting to a New C2 Liquor Permit at 10017 Sophia Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Hayfa, Inc., DBA Sophia Food Market, 10017 Sophia Avenue, Cleveland, Ohio 44104, Permanent Number 3693704; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Hayfa, Inc., DBA Sophia Food Market, 10017 Sophia Avenue, Cleveland, Ohio 44104, Permanent Number 3693704, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two

copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1080-06.

By Council Member Polensek.

An emergency resolution objecting to a New D5J Liquor Permit at 353 East 156th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New D5J Liquor Permit at Fanny's, Inc., DBA Fanny's Restaurant, 353 East 156th Street, Cleveland, Ohio 44110, Permanent Number 26366250010; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New D5J Liquor Permit at Fanny's, Inc., DBA Fanny's Restaurant, 353 East 156th Street, Cleveland, Ohio 44110, Permanent Number 26366250010, and requests the Director of Liquor Con-

trol to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 1081-06.

By Council Member Turner.

An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 4170 Lee Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Janet Harris Estate, Michael Damic, Extr., 4170 Lee Road, Cleveland, Ohio 44128, Permanent Number 3624594 to New Sir Rah House, LLC, 4170 Lee Road, Cleveland, Ohio 44128, Permanent Number 6367874; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safe-

ty and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Janet Harri's Estate, Michael Damic, Extr., 4170 Lee Road, Cleveland, Ohio 44128, Permanent Number 3624594 to New Sir Rah House, LLC, 4170 Lee Road, Cleveland, Ohio 44128, Permanent Number 6367874; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1274-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Target Corporation, to provide for the repayment of Core City I and Core City II funds used to partially finance certain infrastructure improvement to a 20-acre parcel near West 117th Street and I-90 and to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

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

1. In Section 1, line 3, after "Real Property," insert **"and in accordance with the West 117th Street/Sector Avenue/I-90 Urban Redevelopment Plan, developed by the City Planning Commission and placed in the above mentioned file"**.

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read

third time in full. Passed. Yeas 17. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Polensek, Reed, Santiago, Turner, Westbrook and Zone.

Those voting nay: Council Member Brancatelli.

Absent: Council Members Britt, Pierce Scott and White.

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. 18-06.

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

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

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

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

Ord. No. 19-06.

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

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

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

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

Ord. No. 22-06.

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

An emergency ordinance to vacate a portion of Alum Court.

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

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

Ord. No. 311-06.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the Division of Printing and Reproduction facility; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to design the improvement.

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

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

Ord. No. 447-06.

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

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

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

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

Ord. No. 448-06.

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

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

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance; when amended as follows:

1. In the first whereas clause, line 1, strike "(“RTA”)" and insert "(“GCRTA”)"

2. In Section 2, line 3, strike "RTA" and insert "GCRTA".

3. In Section 4, strike lines 4, 5, 6, and 7 in their entirety and insert: **"not be assignable without the consent of the Director of Public Service; that to the extent permitted by law and subsequently approved by GCRTA's Board of Trustees, the temporary easements shall require that GCRTA indemnify the City, provide a certificate of self-insurance, and maintain any GCRTA non-roadway improvements located within the temporary easements."**

4. In Section 6, line 1, strike "director" and insert "direction"; and in line 4, strike "priced on" and insert "price of".

5. In Section 8, strike lines 4, 5, 6, and 7 in their entirety and insert **"of the Director of Public Service; that to the extent permitted by law and subsequently approved by GCRTA's Board of Trustees, the permanent easements shall require that GCRTA indemnify the City, provide a certificate of self-insurance, and maintain any GCRTA non-roadway improvements located within the permanent easements."**

6. In Section 9, lines 5 and 6, strike reconstruction, repair, and

maintenance of the Fulton Road Bridge." and insert **"Euclid Corridor Transportation Project."**

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 460-06.

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

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

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

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

Ord. No. 567-06.

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

An emergency ordinance to amend the title and Section 3 of Ordinance No. 837-05, passed June 6, 2005, relating to making the public improvement of constructing general improvements to the Willard Park garage; to supplement the ordinance by adding new Section 3; and to renumber existing Sections 3 and 4 to new Sections 4 and 5.

Approved by Directors of Public Service, Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, Public Parks, Property and Recreation, City Planning, Finance.

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

Ord. No. 568-06.

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

An emergency ordinance to amend the title and Section 14 of Ordinance No. 1524-03, passed August 13, 2003, relating to the reconstruction of East 93rd Street between Union Avenue and Miles Road; to supplement the ordinance by adding new Sections 14 and 15; and to renumber existing Sections 14 and 15 to new Sections 16 and 17.

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

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

Ord. No. 571-06.

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

An emergency ordinance to amend the title and Sections 6 and 7 of Ordinance No. 2194-05, passed January 23, 2006, relating to a grant from the United States Department of Health and Human Services to rehabilitate and renovate four City-owned health centers; to supplement the ordinance by adding new Section 8; and to renumber existing Sections 8, 9, 10 and 11 to new Sections 9, 10, 11 and 12.

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

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

Ord. No. 606-06.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for Denison Avenue Resurfacing from West 73rd Street to Lorain Avenue; to authorize the Director of Public Service to hire one or more consultants for design, engineering and construction services; determining the method of making the public improvement of resurfacing Denison Avenue; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Ord. No. 608-06.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for Bellaire Road Rehabilitation from West 117th Street to West 105th Street and to authorize the Director of Public Service to hire one or more consultants for design, engineering and construction services; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

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

Ord. No. 609-06.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for Quincy Road Rehabilitation from East 40th Street to Woodhill Road; to authorize the Director of Public Service to hire one or more consultants for design, engineering and construction services; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

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

Ord. No. 645-06.

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

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

Approved by Directors of Public Safety, Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Safety, Public Parks, Property and Recreation, Legislation, Finance; when amended as follows:

1. In Section 1, at amended Section 405.02(o)(1), line 1, strike "four" and insert "five".

2. In Section 1, at amended Section 405.02(o)(2), strike the period and insert "; and"; and add the following new subdivision (3) to read as follows:

"(3) the Parking violations Bureau has sent a notice by regular US mail to the person to whom the license plates are registered that the conditions in division (o)(1) of this section exist and that the vehicle may be towed as provided in division (o) of Section 405.02."

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 652-06.

By Council Member Lewis.

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

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

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

Ord. No. 653-06.

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

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

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

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

Ord. No. 691-06.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Tower City Center to encroach into the public right-of-way of Huron Road by installing, using, and maintaining a pedestrian connector to be partially constructed beneath the City of Cleveland right-of-way.

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

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

Ord. No. 692-06.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing or otherwise improving various Department of Public Service facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

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

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

Ord. No. 693-06.

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

An emergency ordinance authorizing the Director of Public Service to execute a temporary deed of easement granting to the Board of County Commissioners of Cuyahoga County certain temporary easement rights in property located in the vicinity of the West 130th Street Bridge and declaring the temporary easement rights not needed for public use.

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

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

Ord. No. 700-06.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Buckeye Road to Cleveland Municipal School District.

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

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

Ord. No. 701-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Addison Road to Illus Taylor, Jr.; Christine Taylor; James Taylor; Valerie Lambright; Ricky Taylor; Edward Taylor, and Eula Milon.

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

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

Ord. No. 709-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Quimby Avenue to Margaret Adams.

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

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

Ord. No. 735-06.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating

ing, renovating, reconstructing or otherwise improving various Department of Parks, Recreation and Properties facilities; authorizing the Director of Public Service to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

Approved by Directors of Parks, Recreation and Properties, Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Public Service, City Planning, Finance; when amended as follows:

1. Insert new Section 4 to read as follows:

"Section 4. That the City Hall replacement roof project done under this ordinance shall require an energy star certified green roof. That after the design consultant and the construction contractor for the City Hall replacement roof project are chosen, they shall work with the City's Sustainability Program Manager and the Division of Architecture regarding the project."

2. Renumber existing Sections 4 and 5 to new **"Section 5"** and **"Section 6"**.

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 744-06.

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

An emergency ordinance to amend the title and Sections 9, 10, and 12 of Ordinance No. 2152-03, passed January 5, 2004; and to supplement the ordinance by adding new Sections 8a and 8b, relating to contracts regarding the donation, improvement, and reuse of the St. Michael Hospital in the City's Broadway neighborhood.

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

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

Ord. No. 786-06.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Congeni Investments, LLC, to provide economic development assistance to partially finance the acquisition of real property located at 2034 W. 65th Street and all other associated costs necessary to redevelop the property.

Approved by Directors of Community Development, City Planning

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

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

Ord. No. 821-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for carpet, tile, including installation, if necessary, for the various divisions of the Department of Public Utilities.

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

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

Ord. No. 823-06.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 133.322 relating to rental of Collinwood Athletic Complex.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Legislation, Finance; when amended as follows:

1. In Section 1, at new Section 133.322, division (e), line 2, strike "and".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 827-06.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the VAP Phase II assessment of property located at 3828 East 91st Street and associated parcels; and authorizing the Director to enter into one or more contracts with Garland Industries, Inc. to implement the project.

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

1. In the title, lines 7 and 8, and in Section 3, line 2, strike "Garland Industries, Inc." and insert **"Garland Real Properties, Inc."**.

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 860-06.

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

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

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

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

Ord. No. 861-06.

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

An emergency ordinance to vacate a portion of East 114th Street and a portion of Hulda Avenue S.E.

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

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

Ord. No. 862-06.

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

An emergency ordinance to vacate portions of Payne Court N.E., East 25th Place, and East 23rd Place.

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

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

Ord. No. 863-06.

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

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

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

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

Ord. No. 865-06.

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

An emergency ordinance to vacate a portion of East 72nd Place

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

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

Ord. No. 866-06.

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

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

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

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

Ord. No. 867-06.

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

An emergency ordinance to vacate a portion of West 92nd Street.

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

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

Ord. No. 868-06.

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

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

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

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

Ord. No. 875-06.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Doug Mack Air Limited, LLC for the lease of office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of five years.

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

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

Ord. No. 879-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various fuels, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 882-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with the Cuyahoga Metropolitan Housing Authority, or its designee, to provide housing development assistance to partially finance various site improvements needed for the redevelopment of the Valleyview Homes public housing estates.

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

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

Ord. No. 883-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical supplies, motors and pumps, including labor and materials necessary to maintain existing motors and pumps, for the Division of Property Management, Department of Parks, Recreation and Properties, for a two year period.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In the title, lines 7 and 8, strike “, for a two year period”.

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

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 889-06.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the Mental Health and Substance Abuse Prevention Program; to enter into one or more contracts with various agencies; to enter into one or more requirement contracts necessary to implement the grant; and to enter into an agreement with the Board for the City to receive payments from the Medicaid program.

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

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

Ord. No. 890-06.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Department of Housing and Urban Development for the Lead Hazard Control Initiative Program; and authorizing one or more contracts to implement the grant.

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

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

Ord. No. 891-06.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2006-07 Federal Childhood Lead Poisoning Prevention Program; authorizing the director to enter into one or more contracts with various entities, agencies, or individuals to implement the grant; authorizing the director to enter into one or more requirement contracts to implement the grant; and to enter into contract with the Ohio Department of Health for performance of environmental assessments of the residences of Medicaid-eligible children.

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

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

Ord. No. 892-06.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Ohio Department of Health for the Women's Health Services Program; authorizing the director to charge and accept fees for this program; and to enter into one or more contracts to implement the program.

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

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

Ord. No. 893-06.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Substance Abuse and Mental Health Services Administration for the

Drug Free Community Coalition Program; authorizing the director to enter into one or more contracts with various agencies or entities to implement the program.

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

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

Ord. No. 897-06.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Property to enter into an agreement with the Flats Oxbow Association to co-sponsor the City's Independence Day celebration and to produce, organize, promote, and market the event in the Flats for 2006.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 934-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more amendments to Contract No. 57651 with MWH Americas Inc. to provide additional services necessary to complete Phase II of the Citywide GIS System Project.

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

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

Ord. No. 935-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Mincom, Inc. for the acquisition of one or more licenses to upgrade the current work management Ellipse 5.2.1. software, including but not limited to integration, installation, design, training, testing, technical support, and software maintenance for a period of one year.

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

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

Ord. No. 936-06.

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

An emergency ordinance authorizing the Director of Port Control to

enter into a Lease Agreement with American Flyers, Inc. for the lease of office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of two years.

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

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

Ord. No. 937-06.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with VinCore, LLC for the lease of office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of two years.

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

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

Ord. No. 939-06.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with E.J. Ward, Inc. for spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals and software maintenance, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 940-06.

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

An emergency ordinance determining the method of making the public improvement of removing and replacing the refrigerated coolers at the West and East Side Markets and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Ord. No. 941-06.

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

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality; authorizing the Director to enter into one or more purchase contracts for various services, equipment and supplies; and authorizing the director to enter into one or more contracts with various agencies or entities necessary to operate the Division of Air Quality.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance; when amended as follows:

1. In Section 2, at the end, add the following "(**RL 149831**)".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 942-06.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Office of Procurement and Diversity for the Get the Lead Out - Protecting Children from the Dangers of Lead Poisoning Program under the Limited Assessment Minor Repair Initiative; authorizing the purchase by one or more requirement contracts of materials, equipment, or supplies needed to implement the grant; authorizing a contract with Maytag dba Hoover Sales and Services for vacuums; authorizing the Director to employ one or more professional consultants to perform environmental assessments; and authorizing one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Ord. No. 944-06.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts without competitive bidding with Simplex Grinnell to test, repair, and maintain the electronic security system, including but not limited to the electronic security panels, the closed circuit T.V. communication devices, and the fire alarm system, for the Division of Correction, Department of Public Health.

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

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

Ord. No. 945-06.

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

An emergency ordinance authorizing the Directors of Public Health and Community Development to enter into contracts with various agencies or entities to provide AIDS-related services, in conjunction with the HOPWA Grant.

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

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

Ord. No. 946-06.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 234.01, 234.02, and 234.99 relating to construction and demolition debris landfill tipping fees.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Legislation, Finance; when amended as follows:

1. In the title, strike "landfill" and insert "**facility**".

2. In Section 1, line 4, strike "Landfill" and insert "**Facility**".

3. In Section 1, at new Section 234.02(c), line 1, strike "construction and demolition debris landfill" and insert "**Construction and Demolition Debris Facility**".

4. In Section 1, at new Section 234.99, before the first sentence insert "**No Construction and Demolition Debris Facility owner or operator shall fail to comply with any of the provisions in this Charter.**" and at line 2, strike "construction and demolition debris landfill" and insert "**Construction and Demolition Debris Facility**".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 947-06.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement for the bulk sale of parking spaces in the Gateway North Parking Garage for a period of two years.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property

and Recreation, Finance; when amended as follows:

1. In Section 2, at the end, add the following: "**The rate shall be fixed as provided in this ordinance and shall not be changed without authorization of Council.**".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 948-06.

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

An emergency ordinance authorizing the Directors of Community Development and Public Health to enter into contracts with various agencies or entities to provide AIDS-related services.

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

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

Ord. No. 957-06.

By Council Member Sweeney.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 698.011 relating to online sales.

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

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

Ord. No. 975-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept a cash donation from the Greater Cleveland Partnership for recruitment assistance.

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

1. In Section 1, line 3, strike "conducting a national search, and"; and at the end, strike the period and insert "**, which expenses are determined to serve a public purpose. The funds are appropriated for those purposes.**".

2. Insert new Section 2 to read as follows:

"Section 2. That the Director of Finance shall notify Council of all expenditures made under this ordinance."

3. Renumber existing Section 2 with new "**Section 3**".

Amendments agreed to.

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

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

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

Ord. No. 982-06.

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

An emergency ordinance authorizing the Director of Public Service or Economic Development, as appropriate, to enter into one or more contracts with Getco Environmental Consultants for professional services necessary to perform environmental cleanup of the former asphalt plant located at 2910 West 3rd Street.

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

1. In the title, line 2, and in Section 1, line 1, strike "Service or" and insert "**Service and**".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 984-06.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes any real property necessary to make the improvement to Jennings Road between Spring Road and the Jennings Freeway ramp.

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

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

Ord. No. 985-06.

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

An emergency ordinance determining the method of making the public improvement of constructing conduits, manholes, surface restoration and appurtenances to place an electric line underground on Lorain Avenue between West 150th Street and Fairview Hospital; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the director to enter into an agreement with the Cleveland Electric Illuminating Company to pay premium charges for the installation.

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

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

Ord. No. 986-06.

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

An emergency ordinance authorizing the Director of Public Service to enter into an amendment to Contract No. 63664 with the Detroit Shoreway Community Development Organization to provide additional design services under the agreement.

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

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

Ord. No. 988-06.

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

An emergency ordinance determining the method of making the public improvement of constructing improvements to the Highland Park Golf Course, including but not limited to cart paths, fairways, bunkers, and drainage; and authorizing the Director of Parks, Recreation and Properties to enter into one or more public improvement contracts for the making of the improvements; and to make an additional appropriation of \$600,000 of the Enterprise Funds.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

Ord. No. 989-06.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into one or more contracts with the Cleveland Board of Education to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2005-2006 school year.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 992-06.

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

An emergency ordinance authorizing the Director of Community Development to transfer property described as the Trinity Building, located at 9207 Detroit Avenue to the control, possession, and use of the Department of Economic Development, for future redevelopment.

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

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

Ord. No. 993-06.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 63915 with URS Corporation - Ohio to provide additional services needed to complete Phase II of the Midland Steel project, and to expand environmental services provided for completion of the project; and authorizing the Director of Economic Development to employ one or more professional consultants to provide security and to perform maintenance at the Midland Steel site located at 10615 Madison Avenue once the property transfers to City ownership, for the Industrial Landbank, Department of Economic Development.

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

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

Ord. No. 1001-06.

By Council Members Polensek and Turner.

An emergency ordinance to amend Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1523-03, passed August 13, 2003, relating to notices or signs on public property prohibited; removal.

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

1. In Section 1, at amended Section 623.13(b), line 5, between "(\$50.00)" and "to" insert "**per sign**".

Amendment agreed to.

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

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

SECOND READING ORDINANCES PASSED**Ord. No. 657-06.**

By Council Member Santiago.

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

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

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

Ord. No. 708-06.

By Council Member Santiago.

An ordinance to change the Use District of land on the east side of West 25th Street north of Potter Court from a Semi-Industry District to a General Industry Use District as shown on the attached map (Map Change No. 2178; Sheet No. 1).

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

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

Ord. No. 830-06.

By Council Member Brady.

An ordinance to change the zoning of lands on the north and south sides of Lorain Avenue from West 103rd Street to West 115th Street to Local Retail Business and Residence Office; and to change the zoning of property fronting on West 106th Street to Two Family, a 'B' Area District and a '1' Height District as shown on the attached map (Map Change No. 2181; Sheet No. 2).

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

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED**Res. No. 162-06.**

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

An emergency resolution declaring the intent to vacate a portion of Sowinski Avenue, Hedwig Court, East 86th Place & East 87th Street.

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

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

Res. No. 163-06.

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

An emergency resolution declaring the intent to vacate a portion of Walworth Avenue S.W.

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

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

Res. No. 319-06.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of repairing and resurfacing a portion of St. Clair Avenue.

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

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

Res. No. 463-06.

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

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

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

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

Res. No. 464-06.

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

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

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

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

Res. No. 999-06.

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

An emergency resolution to amend Section 5 of Ordinance No. 2372-04, adopted February 28, 2005, as amended by Ordinance No. 15-06, passed February 13, 2006, relating to declaring it necessary and conducive to the public health and welfare that Euclid Avenue between Public Square and East 70th Street be improved by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way or otherwise improving vaults appurtenant to the right-of-way.

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

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

THIRD READING EMERGENCY ORDINANCE PASSED**Ord. No. 578-06.**

By Mayor Jackson.

An emergency ordinance authorizing the Mayor to enter an agreement with the City of Independence for the purpose of sharing the income tax revenue to be paid by players and coaches of the Cleveland Cavaliers as a result of the relocation of a new complex to be located in Independence, Ohio.

Read third time. Passed. Yeas 16. Nays 2.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Santiago, Turner, Westbrook and Zone.

Those voting nay: Council Members Polensek and Reed.

Absent: Council Members Britt, Pierce Scott and White.

LAI D ON THE TABLE**Ord. No. 1015-05.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts labor and materials to wash and wax motor vehicles, for the Divisions of Cleveland Public Power and Water, Department of Public Utilities, for a period not to exceed two years.

Without objection, Ordinance No. 1015-05 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 1015-05 laid on the table.

MOTION

By Council Member Kelley, seconded by Council Member Lewis and unanimously carried, that the absence of Council Members Patricia J. Britt, Sabra Pierce Scott and Robert J. White be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:39 p.m. to meet Wednesday, July 12, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

1129

BOARD OF CONTROL

June 7, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 7, 2006, at 10:30 a.m. with Mayor Jackson presiding.

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

Absent: Mayor Jackson.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 222-06.

By Director Dumas.

Whereas, Board of Control Resolution No. 160-06, adopted May 10, 2006, approved Wackenhut Corporation as the lowest and best bidder for a contract for unarmed security guard services, all items, for various divisions of City government; and

Whereas, Resolution No. 175-06, adopted by this Board May 17, 2006, intended to amend Resolution No. 160-06 by adding and approving two subcontractors inadvertently omitted from the resolution, incorrectly cited the resolution amended as "No. 103-06;" now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 175-06, adopted by this Board on May 17, 2006, is amended to correct the number of the resolution amended from "103-06" to "160-06," where appearing.

Be it further resolved that all other provisions of Resolution No. 175-06 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 223-06.

By Director Dumas.

Whereas, Board of Control Resolution No. 132-06, adopted April 12, 2006, authorized the Director of Finance to enter into a contract with the Millcraft Paper Company for an estimated quantity of Paper Stock & Envelopes, items Nos. 1, 2, 4, 5, 7, 19, 21, 31, 34-37, 41, 42, 44, 46-48, 50, 58, 60, 68, 70-73, 79 and 81, for the Division of Printing & Reproduction, Department of Finance; and

Whereas, Resolution No. 132-06 inadvertently listed the Requisition No. as RE172220, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 13206, adopted by this Board April 12, 2006, approving the bid of the Millcraft Paper Company as lowest and best for an estimated

quantity of Paper Stock & Envelopes, items Nos. 1, 2, 4, 5, 7, 19, 21, 31, 34-37, 41, 42, 44, 46-48, 50, 58, 60, 68, 70-73, 79 and 81, is amended by the following change of Requisition number:

RE172320

Be it further resolved that all other provisions of Resolution No. 132-06 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 224-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cold Harbor Building Company for the public improvement of the Technology and Security Center Project (including a \$665,310.00 contingency allowance), all items, for the various Divisions of the Department of Public Utilities, received April 28, 2006, under the authority of Ordinance No. 758-04, passed June 7, 2004, upon a gross price for the improvement in the aggregate amount of \$7,418,206.50, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cold Harbor Building Company for the abovementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Ruccella Construction, Inc. (MBE)	\$950,000.00 12.81%
Minority Electric Co., Inc. (MBE)	\$250,000.00 3.37%
Duct Fabricators, Inc. (FBE)	\$450,000.00 6.07%

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 225-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of EnviroCom Construction Inc. for the public improvement of the Harvard Yard Distribution and Maintenance Facility Improvements (including a \$117,800.00 contingency allowance), all items, for the Divi-

sion of Water, Department of Public Utilities, received on April 19, 2006, under the authority of Ordinance No. 553-05, passed June 6, 2005, upon a unit basis for the improvement in the aggregate amount of \$1,395,800.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by EnviroCom Construction Inc. for the abovementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
DDC + Incorporated (MBE)	\$206,000.00 14.76%
Landmark Plumbing Inc. (FBE)	\$ 12,000.00 0.86%
R.L. Cole Enterprise	\$ 6,000.00 0.43%
Owens Flooring	\$ 41,000.00 2.94%

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 226-06.

By Interim Director Mok.

Resolved, by the Board of Control of the City of Cleveland that all bids received for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, item 10, for the various divisions of the Department of Port Control, received on February 1, 2006, under the authority of Ordinance No. 1873-05, passed October 24, 2005, be and the same are rejected.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 227-06.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Waste Removal Equipment, Inc. for an estimated quantity of 25-cubic yards rear loading refuse packer bodies (all items), for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on March 16, 2006, under the authority of Ordinance No. 762-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the

basis of the estimated quantity would amount to \$167,307.00 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161695

which shall be certified against the contract in the sum of \$167,307.00.

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Waste Removal Equipment, Inc. for the above-mentioned purchase is hereby approved:

Logical Services, Inc.
MBE - \$500.00 per unit - 0.90%

All Point Systems, Ltd.
\$5,134.00 per unit 9.21%

Active Truck Transport, LLC
\$2,400.00 - 4.30%

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 228-06.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid received on December 2, 2005 for HVAC/R materials and equipment for the Division of Property Management, Department of Parks, Recreation and Properties, pursuant to authority of Ordinance No. 839-05, passed by the Council of the City of Cleveland on June 6, 2005 be and the same are hereby rejected.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 229-06.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on October 12, 2005 for Tony Brush Park Site Improvements for the Department of Parks, Recreation & Properties pursuant to the authority of Ordinance No. 2151-03, passed by the Council of the City of Cleveland on December 15, 2003, are rejected.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 230-06.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 104-23-055, located at Harlem Court under said, Land Reutilization Program; and

Whereas, Ordinance No. 1992-05 passed May 15, 2006, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Lula Blevins has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1992-05 passed May 15, 2006, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Lula Blevins for the sale and development of Permanent Parcel No. 104-23-055, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 231-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of T.D. Security Limited, Inc. for an estimated quantity of armed security services for the Division of Recreation, Department of Parks, Recreation and Properties, for the period three (3) months, beginning with the date of execution of a contract, received on May 31, 2006, under the authority of Ordinance No. 456-06, passed April 3, 2006, upon a unit basis, which on the basis of the estimated quantity would amount to \$26,880.00 is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase, as the initial amount of the contract, of the following:

Requisition No. 166772

which shall be certified against such contract in the sum of \$25,000.00.

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

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

Nays: None.

Absent: Mayor Jackson.

RONDA G. CURTIS,
Acting 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, JUNE 26, 2006

9:30 A.M.

Calendar No. 06-99: 1148-52 Prospect Avenue (Ward 13)

Joshua Hall Properties and Mark Mazzone, owner, appeal to change use of an existing three story brick building from office and store to apartments and indoor storage, situated on a 42' x 105' lot located in a General Retail Business District on the south side of Prospect Avenue at 1148-52 Prospect Avenue; contrary to Section 355.04 and the Area

Regulations for residence buildings in all use districts, a maximum gross floor area of 9,000 s/f is proposed where one-half the lot area, 5,670 s/f, is permitted; no front yard is proposed and a 14' front yard is required under Section 357.04 and no rear yard is proposed where 25', the distance equal to one-half of the building height, is the required rear yard as stated in Section 357.08(b)(2) of the Codified Ordinances.

Calendar No. 06-100: 2222-26 Kinkel Avenue (Ward 14)

West Side Ministries, owner, appeal to construct a parking lot on a 76' x 135' parcel located in a Multi-Family District on the north side of Kinkel Avenue at 2222-26 Kinkel Avenue; the proposed parking lot being subject to the Requirements for Off-Street Parking and Loading where the Board of Zoning Appeals, in its opinion the best interests of the community will be served, may permit temporarily or permanently the use of land in a Residence District other than a Limited One-Family District for a parking lot, provided that (1) the lot is used only for parking passenger automobiles of employees, customers or guests of the person or firm responsible for operating and maintaining the lot; (2) no charge is to be made for parking on the lot; (3) the lot is not to be used for sales, repair work or servicing of any kind; (4) entrance to and exit from the lot are to be located so as to do the least harm to the Residence District; (5) no advertising sign or material is to be located on the lot; (6) all parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board; (7) the parking lot and portion of the driveway back of the building line are to be adequately screened from the street and adjoining residential district property by a hedge, sightly fence or wall, not less than 4' but not more than 5' high, and located back of the setback building line; with all lighting arranged so that no glare annoys occupants of adjoining property in a Residence District; and (8) and whatever conditions the Board may impose as necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District where the parking lot is to be located; as stated in Section 349.13 of the Codified Ordinances.

Calendar No. 06-101: 2704 Clark Avenue (Ward 14)

Gerald Zahler, owner, and Gennie Rodriguez, tenant, appeal to change use from a bar/tavern to a night club with live entertainment the approximate 52' x 136' space of an existing 152' x 144' one-story masonry retail building, situated on an acreage parcel located in a General Retail Business District on the north side of Clark Avenue at 2704 Clark Avenue; the proposed use being subject to the limitations of Section 347.12(a)(1), where a night club/bar with live entertain-

ment/dance floor cannot be established within 500' of a residential district and the property abuts a residential district to the north; and Section 352.07(b)(2)A requires compliance with the landscaping requirements for a change of use; a 6' wide frontage landscaped strip of 50% year round opacity is required where the parking lot abuts the street, with installation of landscaping and screening according to the requirements under Sections 352.08 through 352.11, and a landscape plan is to be provided as stated in Section 352.12 of the Codified Ordinances.

Calendar No. 06-106: 3571 West 47th Street (Ward 14)

Christopher Gonda, owner appeals to install approximately 80 lineal feet of 6' high wood, privacy fence in the actual front and side street yard of a 34' x 97' corner lot located in a Two-Family District on the northeast corner of West 47th Street and Carlos Avenue at 3571 West 47th Street; and being contrary to the Height and Opacity Requirements in the Fence Regulations, where fences in actual front yards and in actual side street yards shall not exceed 4' in height and shall be at least 50% open, except that in an actual side street yard, a fence that is set back at least 4' from the side street property line may be a maximum of 6' in height and may be open or solid, as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 06-109: 3201 Denison Avenue (Ward 15)

Art House, Inc., owner, and Sheryl Hoffman, appeal to change to a use for offices a 25' x 56' two-story, two-family structure, situated on a 40' x 112.5' parcel located in a Multi-Family District on the south side of Denison Avenue at 3201 Denison Avenue; the proposed change not being a permitted use in a Multi-Family District under Section 337.08 of the Codified Ordinances.

Calendar No. 06-111: 11402 Bellflower Road (Ward 9)

Case Western Reserve University, owner, appeals to construct a new two-story, center for nonprofit organizations building, situated on a 173' x 142' parcel located in a D1 Multi-Family District on the east side of Bellflower road at 11402 Bellflower Road; subject to the limitations of Section 337.08(e), a charitable institution is required to be 15' from an adjoining premises in a Residence District not used for a similar purpose, and the proposed building abuts a Multi-Family District at the northeast and southwest property lines; and contrary to Section 353.01(b), the building height proposed is 44' where the maximum height limit permitted is 35' and no parking is provided where 65 off-street parking spaces are required, specifically, 28 spaces for assembly, 14 for classrooms plus 11 for staff, and 12 spaces for office, in accordance with the requirements under Section 349.04 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 12, 2006

At the meeting of the Board of Zoning Appeals on Monday, June 12, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-82: 15430 Waterloo Road

Jerry Kelly, owner, and Miesha Nelson, prospective tenant, appealed to change from a retail store to a use for aerobic classes in a two-story stores and flats building in a Local Retail Business District; with conditions.

Calendar No. 06-83: 4466 Warner Road

Vince Yafanaro, owner, and Timothy French, prospective purchaser, appealed to change a one-story building from a use for sheet metal work to a repair/sales shop for lawn mowers and other small engines in a Local Retail Business District; with conditions.

Calendar No. 06-69: 2905-11 Chester Avenue

The 2905 Chester Avenue, LLC appealed to erect a 340 room, 4-story dormitory with an accessory 120 space parking lot in split zoning between a General Retail Business District and a Semi-Industry District; with conditions.

The following appeal was **Denied:**

None.

The following appeals were **Withdrawn:**

Calendar No. 06-65: 1230 Broadway Avenue

The Norfolk Southern Corporation, owner, and Parking Endeavors, LLC, prospective lessee, appealed to establish use for a temporary parking lot on an acreage parcel in a General Industry District.

Calendar No. 06-81: 12000 Harvard Avenue

School House Finance, LLC, appealed to change from a warehouse to a school the use of a two-story building in a General Industry District.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 06-84: 4726 Superior Avenue postponed to July 10, 2006.

In Executive Session on June 12, 2006, the following appeals heard by the Board on June 5, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 06-78: 1103 Rowley Avenue

Brian Jones, owner, and Steve Siedlecki, agent, appealed to change from a two-family dwelling to the use for a museum in a Two-Family District; no gift shop/retail use permitted.

Calendar No. 06-79: 1954 East 124th Place

Alan Swick appealed to erect a 16' x 22' two-story frame room addition to a single family dwelling in a Multi-Family District.

Calendar No. 06-98: 4200 Bridge Avenue

Minerva Perez Vargas appealed to erect a 6'6" x 12' wooden, wrap around open front porch with a wheelchair lift to the front of an existing single family dwelling in a Two-Family District.

Calendar No. 05-32: 19115 St. Clair Avenue

Vincent Godina appealed to extend a temporary permission to park at the front of a one-story commercial building in a General Industry District.

Calendar No. 06-51: 17610 Milburn Avenue

Romulo Glen appealed to enclose an existing 6' x 27' front porch of a single family dwelling in a One-Family District.

The following appeal was **Denied:**
None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office

of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JUNE 22, 2006

Commercial Gases, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 233-06, passed by the Council of the City of Cleveland, February 27, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 16, 2006 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 7, 2006 and June 14, 2006

WEDNESDAY, JUNE 28, 2006

Estimated Quantity of Four (4) Mid-Size, Hybrid, 4-Door Cars, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 22, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Estimated Quantity of Two (2) Cab/Chassis with Digger/Derrick Body, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 22, 2006 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

June 7, 2006 and June 14, 2006

THURSDAY, JUNE 29, 2006

Estimated Quantity of One (1) Cab/Chassis with 16-Cubic Yards Sewer Cleaner Body, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 23, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

June 7, 2006 and June 14, 2006

WEDNESDAY, JULY 5, 2006

Crane and Hoist Inspection and Maintenance, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1027-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, JUNE 21, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

June 7, 2006 and June 14, 2006

FRIDAY, JUNE 30, 2006

Janitorial Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 602-06, passed by the Council of the City of Cleveland, April 10, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 22, 2006 AT 9:00 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 14, 2006 and June 21, 2006

THURSDAY, JULY 6, 2006

Various Fire Station Roof Replacements Re-Bid, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2145-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 23, 2006 AT 10:00 A.M., FIRE STATION NO. 1, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

June 14, 2006 and June 21, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 997-06.

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

An emergency resolution in support of the Health Care For All Ohioans Act providing for publicly funded comprehensive, lifetime health care coverage for all Ohio residents as a matter of right and urging residents of the City to sign petitions to put the Act on the ballot.

Whereas, this Council believes that all residents of the State of Ohio, with or without financial means, should have access to affordable quality health care; and

Whereas, this Council has in the past, and continues to advocate legislation that will guarantee such access; and

Whereas, the Single-Payer Action Network Ohio (SPAN Ohio), a coalition supported by the Ohio AFL-CIO, UAW Region 2-B, UNITE HERE, Graphic Communications Union/Teamsters, large numbers of health care providers, community and faith groups, women's organizations, three Ohio members of Congress, several Ohio state legislators, and many individuals committed to working for publicly funded universal health care is sponsoring an initiative petition to put the Health Care For All Ohioans Act on the ballot; and

Whereas, this initiative, if approved by the people of Ohio, would establish a health care system in our state which would provide comprehensive medical coverage for all of the state's residents, including the full range of inpatient and outpatient hospital care, preventive care, mental health, vision, hearing, prescription drugs, dental, emergency services, rehabilitation services, hospice care, home care, health maintenance care, medical supplies, and all other necessary medical services as determined by any state licensed, certified or registered health care practitioner; and

Whereas, this initiative would provide timely emergency health care services in each county, including hospital care and triage, and necessary transportation in each county to access covered health care services; and

Whereas, the cost of providing health care coverage for employees of the City of Cleveland would be substantially reduced if this Act becomes law because the funding formula of the Act provides for a payroll tax not to exceed 3.85% for health care coverage, far less than what the City now spends; and

Whereas, the adoption of a publicly funded universal health care plan on a state level would give impetus to the ultimate goal, which is winning a national health care system, which all other industrial countries in the world today enjoy; 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 supports the Health Care For All Ohioans Act providing for publicly funded comprehensive, lifetime health care coverage for all Ohio residents as a matter of right and urging residents of the City to sign petitions to put the Act on the ballot.

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 998-06.

By Council Member White.

An emergency resolution supporting the loan application of Union Miles Development Corporation to the Cuyahoga County Brownfield Redevelopment Fund for \$600,000 to purchase and redevelop the approximately seven acre site located at the northeast corner of Miles Avenue and East 131st Street into a retail center.

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 supports the loan application of Union Miles Development Corporation to the Cuyahoga County Brownfield Redevelopment Fund for \$600,000 to purchase and redevelop the approximately seven acre site located at the northeast corner of Miles Avenue and East 131st Street into a retail center.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Board of Cuyahoga County Commissioners and to the Director of the Union Miles Development Corporation.

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1007-06.

By Council Member Britt.

An emergency resolution supporting the continued funding of cancer research in the United States.

Whereas, more than 10 million people in the United States are currently living with cancer; and

Whereas, more than 1.3 million people in the US will be diagnosed with cancer this year; and

Whereas, 64% of adults and 78% of children diagnosed today will be alive five years from now; and

Whereas, last year, for the first time in a decade, Congress cut spending for NIH, NCI and CDC cancer programs, reducing funding by 2%; and

Whereas, 80% of NCI budget goes to research; Congress risks cutting current research in mid-stream, losing the momentum of the initial research; and

Whereas, people are living longer and more productively due to progress with treatments; and

Whereas, by making cancer research a priority, Congress will save millions of lives, reduce suffering, and save billions in health care costs now and in the future; and

Whereas, One Voice Against Cancer formed in 2000 to create the broadest coalition, with more than 40 organizations committed to keeping cancer research and treatment a critical priority in the US; and

Whereas, Congress must vote for a budget that rejects cancer cuts and give a high priority to cancer funding; 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 supports the continued funding of cancer research in the United States.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the President of the United States and to all members of the US Congress representing the State of Ohio.

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1008-06.

By Council Member Brancatelli.

An emergency resolution objecting to a New C1 Liquor Permit at 3129 East 65th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Daisha N. Thomas, DBA Hoppensack Shack, 3129 East 65th Street, Cleveland, Ohio 44105, Permanent Number 8897590; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor

outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Daisha N. Thomas, DBA Hoppensack Shack, 3129 East 65th Street, Cleveland, Ohio 44105, Permanent Number 8897590, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1009-06.

By Council Member Brancatelli.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 7018 Union Avenue, 1st floor front and basement.

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

transfer of ownership of a D5 Liquor Permit from Ransom McDowell, Jr., 7018 Union Avenue, 1st floor front and basement, Cleveland, Ohio 44105, Permanent Number 5729924 to Monae International Corporation, DBA Club Rendezvous, 7018 Union Avenue, 1st floor front and basement, Cleveland, Ohio 44105, Permanent Number 6098799; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Ransom McDowell, Jr., 7018 Union Avenue, 1st floor front and basement, Cleveland, Ohio 44105, Permanent Number 5729924 to Monae International Corporation, DBA Club Rendezvous, 7018 Union Avenue, 1st floor front and basement, Cleveland, Ohio 44105, Permanent Number 6098799; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1010-06.
By Council Member Cimperman.
An emergency resolution withdrawing objection to the transfer of ownership of D5 Liquor Permit at 4059 St. Clair Avenue and repealing Resolution No. 332-06, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to Simply Ours, LLC, DBA Robins Nest, 4059 St. Clair Avenue, Cleveland, Ohio 44103, Permanent No. 8177655, by Resolution No. 332-06 adopted by the Council on February 27, 2006; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Simply Ours, LLC, DBA Robins Nest, 4059 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8177655, be and the same is hereby withdrawn and Resolution No. 332-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1011-06.
By Council Member Cleveland.
An emergency resolution objecting to a New C1 Liquor Permit at 3210 East 49th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Little Lees Kitchen and Convenient Store, Inc., DBA Little Lees Kitchen and Convenient Store, 3210 East 49th Street, Cleveland, Ohio 44127, Permanent Number 5237933; and

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

Whereas, the applicant does not qualify to be a permit holder and/or

has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Little Lees Kitchen and Convenient Store, Inc., DBA Little Lees Kitchen and Convenient Store, 3210 East 49th Street, Cleveland, Ohio 44127, Permanent Number 5237933; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1012-06.
By Council Member Johnson.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 12916 Forest Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from T & J Bev-

erage Company, DBA T & J Beverage Store, 1st floor and basement, 12916 Forest Avenue, Cleveland, Ohio 44120, Permanent Number 87731650005 to Al Saedi LLC, 1st floor and basement, 12916 Forest Avenue, Cleveland, Ohio 44120, Permanent Number 0090464; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from T & J Beverage Company, DBA T & J Beverage Store, 1st floor and basement, 12916 Forest Avenue, Cleveland, Ohio 44120, Permanent Number 87731650005 to Al Saedi LLC, 1st floor and basement, 12916 Forest Avenue, Cleveland, Ohio 44120, Permanent Number 0090464; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted June 5, 2006.

Effective June 9, 2006.

Res. No. 1013-06.

By Council Member Pierce Scott.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 1258 East 105th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from A & B Randa, Inc., DBA Family Discount, 1258 East 105th Street, Cleveland, Ohio 44108, Permanent Number 00007250001 to Soad 105, Inc., 1258 East 105th Street, Cleveland, Ohio 44108, Permanent Number 8341824; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from A & B Randa, Inc., DBA Family Discount, 1258 East 105th Street, Cleveland, Ohio 44108, Permanent Number 00007250001 to Soad 105, Inc., 1258 East 105th Street, Cleveland, Ohio 44108, Permanent Number 8341824, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions

of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 5, 2006.

Effective June 9, 2006.

Res. No. 1014-06.

By Council Member Zone.
An emergency resolution objecting to a New C1 Liquor Permit at 8000 Lawn Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Luz Urban Groceries, LLC, DBA Luz Urban Groceries, 8000 Lawn Avenue, Cleveland, Ohio 44102, Permanent Number 5361542; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Luz Urban Groceries, LLC, DBA Luz Urban Groceries, 8000 Lawn Avenue, Cleveland, Ohio 44102, Permanent Number 5361542, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1020-06.
By Council Member Reed.
An emergency resolution urging the U.S. Department of Housing and Urban Development to award a grant in the amount of \$400,000 in support of Project HOMERUN in response to the Mt. Pleasant Community Zone's application to the U. S. Department of Housing and Urban Development Youth Build Program.

Whereas, the Mt. Pleasant Community Zone and its predecessors, the Collaborative for Organizing Mt. Pleasant and the Mt. Pleasant Community Council, has been committed to serving our community through encouraging economic development, education, physical environment and family and community empowerment; and

Whereas, on or before June 9, 2006, Mt. Pleasant Community Zone is submitting an application for a grant in the amount of \$400,000 to the U. S. Department of Housing and Urban Development (HUD), Youth-Build Program for Project HOMERUN; and

Whereas, Project HOMERUN will provide comprehensive youth development services including education, job training and other supportive services for up to 20 Cleveland youth who have dropped out of school; and

Whereas, Project HOMERUN will provide onsite construction training for up to 20 Cleveland youth to prepare them for careers in the construction industry, for continuing their education beyond the GED or otherwise moving their lives ahead in a positive direction; and

Whereas, Project HOMERUN will provide major rehabilitation for between two to five duplexes providing between 4 to 10 housing units specifically designed for grandparents raising grandchildren; 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 urges the U.S. Department of Housing and Urban Development to award a grant in the amount of \$400,000 in support of Project HOMERUN in response to the Mt. Pleasant Community Zone's application to the U. S. Department of Housing and Urban Development YouthBuild Program.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to appropriate officials at Mt. Pleasant Community Zone.

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

Adopted June 5, 2006.
Effective June 9, 2006.

Res. No. 1021-06.
By Council Member Lewis.
An emergency resolution supporting the efforts of 4415 Euclid LLC and Cuyahoga County Department of Development to seek a loan from an appropriate source for brownfield remediation of the Cleveland Midtown Innovation Center building located at 4511 Euclid Avenue in Ward 7.

Whereas, 4415 Euclid LLC is a collaboration of Heartland Developers, Orbital Research and Cleveland Medical Devices which has acquired the Cleveland Midtown Innovation Center building located at 4511 Euclid Avenue in Ward 7; and

Whereas, Orbital Research and Cleveland Medical Devices, two major technology research and development firms, and several spin-off companies, as well as other small businesses, now reside at the Innovation Center, creating or attracting several hundred jobs to Midtown Cleveland; and

Whereas, the Columbus-based architecture firm of Moody Nolan desires to renovate and construct 3000 sq. ft. of modern office space as their regional headquarters on the first floor of the Innovation Center; and

Whereas, this renovation requires brownfield remediation of asbestos and lead paint in addition to other contaminants; and

Whereas, 4415 Euclid Avenue LLC wishes to remove, encapsulate or otherwise remedy the entire first floor and parts of the basement of the Innovation Center so that Moody Nolan and other enterprises may establish professional residences in the building; and

Whereas, Cuyahoga County Department of Development is helping

4415 Euclid Avenue LLC to facilitate a loan to help the brownfield remediation; 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 supports the efforts of 4415 Euclid LLC and Cuyahoga County Department of Development to seek a loan from an appropriate source for brownfield remediation of the Cleveland Midtown Innovation Center building located at 4511 Euclid Avenue in Ward 7.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Board of Cuyahoga County Commissioners and to the Director of 4415 Euclid Avenue, LLC.

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

Adopted June 5, 2006.
Effective June 9, 2006.

Ord. No. 461-06.
By Council Members Pierce Scott and Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Economic Development is authorized to enter into loan agreements for economic development financial assistance in amounts not to exceed \$250,000 in principal for each project if the terms of any loan agreement entered into under this ordinance are approved by the Cleveland Citywide Development Corporation and if the Mayor and the Council Member in whose ward the project for which economic development financial assistance is being given is located submit a letter of support for the project. That the Director of Economic Development shall notify the Council Member in whose ward the project will occur before it has been approved by the Cleveland Citywide Development Corporation.

Section 2. That the loan agreements shall be paid from Fund Nos. 17 SF 008 (UDAG Repayments), 10 SF 501 (NDIF Repayments), 17 SF 003 (SBRL) and 12 SF 954 (EDA).

Section 3. That repayments of loans shall be deposited in Fund Nos. 17 SF 006, 10 SF 502, 17 SF 005, and 12 SF 958 (EDA) respectively, and are appropriated for the purposes of the respective economic development financial assistance program.

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

Section 5. That the Director of Economic Development shall provide quarterly reports to the Clerk of Council on the projects authorized under this ordinance.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 690-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Mincom, Inc. for the purchase of not to exceed ten Mincom hand-held mobile devices/tough notebooks; to upgrade and configure the existing Ellipse software; and authorizing the director to enter into one or more contracts with Mincom, Inc. to provide professional services for software, and hardware including installation, configuration, testing, and for upgrades, training, maintenance and technical support for software for a period not to exceed one year.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Mincom, Inc. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Mincom, Inc. on the basis of its proposal dated February 13, 2006, for not to exceed ten Mincom hand-held mobile devices/tough notebooks to assist field crews and inspectors to receive and update job site information as required, to upgrade and configure the existing ellipse software to the most current version, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water Pollution Control, Department of Public Utilities.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts with Mincom, Inc. for professional

services necessary to provide software and hardware required per proposal to operate the hand-held mobile devices, including installation, configuration, testing, and upgrades, training, maintenance and technical support for software for a period not to exceed one year, on the basis of its proposal dated February 13, 2006, for the Division of Water Pollution Control, Department of Public Utilities.

Section 3. That the contracts or contracts shall be paid from Fund No. 54 SF 001, Request No. 155040.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 737-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of fuel, maintenance and aviation insurance for two helicopters and their equipment, for the Division of Police, Department of Public Safety, for a period of one year with an option to renew for one additional year.

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of fuel, maintenance and aviation insurance for two helicopters and their equipment, in the approximate amount as purchased during the preceding term, with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year consecutive term, and cancelable on thirty days written notice by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be

charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 145536)

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 746-06.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 171.03, relating to the employment of health care professionals for employee examinations; and to repeal Section 169.02 of the codified ordinances.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 171.03, to read as follows:

Section 171.03 Employment of Health Care Professionals for Employee Examinations

The Director of Personnel and Human Resources or the Civil Service Commission, through its Secretary, are authorized to employ by one or more written contracts health service professionals, including hospitals, clinics, medical providers, physicians, psychiatrists, and psychologists to conduct, on an as-needed basis, medical examinations or testing of City of Cleveland employees and applicants. The cost of the contract or contracts shall be payable from funds appropriated for this purpose.

Section 2. That Section 169.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1572-85, passed July 22, 1985, is repealed.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 778-06.

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

An emergency ordinance to approve rates and charges for water service, and to amend various Sections of Chapters 531, 533, and 535 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances; to repeal Sections 129.18, 531.04, 533.18, 535.051, 535.18 of the codified ordinances, as amended or enacted by various ordinances; and to supplement the codified ordinances by enacting new Section 535.22, relating to rates, fees, and charges for water and water-related services.

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

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

Section 1. That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

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

Section 531.03, as amended by Ordinance No. 1043-75, passed February 2, 1976,

Section 531.07, as amended by Ordinance No. 776-91, passed May 13, 1991,

Sections 531.77 and 531.78, as enacted by Ordinance No. 99566, passed May 22, 1933,

Section 531.81, as amended by Ordinance No. 309-99, passed June 14, 1999,

Section 533.01, as amended by Ordinance No. 2825-82, passed January 1, 1983,

Sections 533.13, 533.15, and 533.16, as enacted by Ordinance No. 99566, passed May 22, 1933,

Section 533.19, as amended by Ordinance No. 1026-89, passed June 12, 1989,

Sections 535.04, 535.05, and 535.06, as amended by Ordinance No. 1551-01, passed August 15, 2001,

Section 535.12, as enacted by Ordinance No. 235-A-45, passed May 14, 1945,

Section 535.21, as amended by Ordinance No. 1743-99, passed June 19, 2000,

Section 535.24, as amended by Ordinance No. 79-82, passed February 1, 1982,

Sections 535.25 and 535.27, as enacted by Ordinance No. 99566, passed May 22, 1933, and

Section 535.46, as amended by Ordinance No. 309-99, passed June 14, 1999, are amended to read as follows:

Section 531.03 Charges for Installation of Service Connections, Tapping Sleeves and Valves

(a) The charges for work performed by the Division of Water, including, but not limited to, service connection installations, hydrant relocations, tapping sleeve and valve installations and fire line installations, shall be in accordance with Section 535.06 of the Codified Ordinances.

(b) The applicant for a service connection shall pay in advance to the Division for the furnishing of material specified and the labor for tapping the water main and installing the service connection and pipe from the water main to approximately two feet back to the curb line, or proposed curb line, including the setting of the stop cock box or valve box in a trench excavated by the applicant, his agent or contractor.

(c) All excavating, backfilling and repaving done within and without the territorial limits of the City are to be provided by the applicant by arrangement with the particular municipality.

Section 531.07 Abandoned Service Connections

(a) No building permit under Section 3105.01 or water service connection permit shall be issued until the Division of Water has determined the location of any previously installed service connections and arrangements have been made with the Division of Water to plug or cap previously installed service connections under rules and regulations promulgated by the Commissioner. All necessary work involving plugging or capping previously installed service connections shall be done by the Division of Water, and the applicant shall pay the fees established in Section 535.06 of the Codified Ordinances for each connection to be plugged or capped.

(b) The City shall not be responsible for any damages resulting from previously installed service connections which have not been plugged or capped under this section.

Section 531.77 Refusal or Neglect to Pay for Service Connections or Repairs; Fee

If any person refuses or neglects to pay for a service connection put in, or for repairs made on service pipes or private meters, or permits any waste or use of water contrary to the provisions of these rules or ordinances for the management and protection of the Division of Water, the water shall be immediately turned off without any preliminary notice, and not turned on again until all charges and damages have been paid. In case the water has been turned off on account of waste or unauthorized use of the same, the Commissioner of Water may charge and collect the further sum contained in Section 535.06 of the Codified Ordinances for turning it off and on.

Section 531.78 Conditions When Connections May be Plugged; Fee

In cases where the water has been turned off for nonpayment of water rent or for any other cause, and it is found turned on again, or when in the opinion of the Commissioner of Water the turning off of the water at the stop cock is not a sufficient protection against the use or waste of water, the Commissioner may cause the ferule to be drawn or the corporation cock to be turned off and disconnected. On a reapplication for water where the service pipe has been so disconnected, the charges set forth in Section 535.06 of the Codified Ordinances will be made together with all additional expense for opening and closing the street and repaving.

Section 531.81 Fees for Engineering Services

The Division of Water shall charge for engineering services it performs, such as plan reviews, hydraulics calculations, provision of copies of roll maps and engineering drawings, and processing as-built drawings. All charges shall be under Section 535.06 of the Codified Ordinances.

Section 533.01 General Provisions

(a) *All Connections.*

(1) All water service connections and service pipes from water distribution mains supplied with water by the City shall be metered by a water meter, except connections for construction purposes or fire protection.

(2) Metering devices shall be supplied by the Division of Water, and shall remain the property of the City.

(3) Charges for metering devices and their installation and/or replacement shall be under Section 535.06 of the Codified Ordinances.

(4) Charges for metering devices supplied by the City and for their installation and/or replacement by the City shall be borne by the owner of or the person applying for water service to the premises.

(5) Excepting private re-registering and sewer-exempt meters, metering devices shall be repaired by and at the expense of the Division.

(b) *New Connections.*

(1) All new service connections and service pipes from all water distribution mains supplied with water by the City shall be metered by a water meter with an outside registering device, except meters required to be placed in vaults.

(2) Each living unit of a multiple housing arrangement in a building of not more than two stories shall be metered individually.

(3) When vaults are required, they shall be furnished by the owner or customer and approved by the Commissioner. Vaults shall be installed by the owner or customer in strict conformity with the rules and regulations of the Department of Public Utilities.

(c) *Existing Connections.*

(1) Meters on existing service connections and service pipes shall be replaced with meters with outside registering devices on request of the owner or when deemed necessary by the Commissioner, subject to approval by the Director, to prevent waste or to protect the integrity of the water system or to continue the policy of metering all consumers, pursuant to rules and regulations by the Commissioner, subject to approval by the Director.

(2) Replacement, repair and maintenance of metering devices shall be performed only by authorized employees of the Division or by persons authorized to perform such services by contract.

(3) Charges for installation and/or replacement of metering devices may be prorated on the water bill for a period of not more than four years or may be paid in a lump sum.

(d) *Rules and Regulations.* The Director shall make and amend written rules and regulations necessary to effectuate the provisions of this chapter. The rules and regulations shall not conflict with nor waive any provisions of these Codified Ordinances.

Section 533.13 Meter Inspection; Fee

On written application made to the Commissioner of Water by any consumer of water, accompanied by the inspection fee required under Section 535.06 of the Codified Ordinances, the Division of Water shall test the meter. If upon such inspection the meter is found to be more than two percent fast, that is, registers a greater amount of water than actually passes through it, the Division shall return to the consumer the above inspection fee and shall make such reduction in the current bill as the facts warrant. If, however, the meter does not over-register the amount of water that actually passes through it, the Division shall retain the above inspection fee as the expense for the testing.

Section 533.15 Tampering with Meters

If the Division of Water finds that a meter seal has been broken, or that there is good evidence that a meter has been tampered with, the water shall be shut off and not turned on again until the payment set forth under Section 535.06 of the Codified Ordinances has been made to the Division. The consumer or owner of the premises shall also pay for twice the estimated quantity of water which has not been registered because of tampering with the meter.

Section 533.16 Charges for Reading Registering Meters

The charge for reading each private re-registering meter shall be under Section 535.06 of the Codified Ordinances. This charge shall be added to and made a part of the quarterly charge for water furnished through the main meter.

Section 533.19 Charges for Installation of Meters

The charge for installation of any water meter shall be under Section 535.06 of the Codified Ordinances.

Section 535.04 Water Rates

(a) Water Rates.

**Water Rate Schedule
(Expressed in Dollars)**

Cleveland

Description	Block	2006	2007	2008	2009	2010
Regular Rates	1st MCF	min. 8.71	9.62	10.63	11.59	12.58
	Additional MCFs	18.62	20.57	22.73	24.78	26.90
Homestead Rates	All MCFs	3.87	4.27	4.72	5.15	5.59
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

[Beginning 2007, there shall be no minimum usage charge for water consumption]

**Direct Service Suburbs
Low 1st High Service**

Regular Rates	1st MCF	min. 15.50	16.35	17.54	18.54	19.50
	Additional MCFs	33.08	34.97	37.50	39.65	41.70
Homestead Rates	All MCFs	6.77	7.26	7.79	8.24	8.66
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

2nd High Service

Regular Rates	1st MCF	min. 17.88	18.76	20.20	21.44	22.64
	Additional MCFs	38.96	40.11	43.19	45.84	48.42
Homestead Rates	All MCFs	8.76	8.33	8.97	9.53	10.06
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

3rd High Service**(Summit County, all; Medina County, all; Geauga County, all)**

Regular Rates	1st MCF	min. 20.93	21.55	23.17	24.57	25.91
	Additional MCFs	44.73	46.08	49.55	52.53	55.41
Homestead Rates	All MCFs	11.09	9.56	10.29	10.92	11.52
Quarterly Service Charge	All Accounts		7.00	7.00	7.00	7.00

[Beginning 2007, there shall be no minimum usage charge for water consumption]

Master Meter (All MCFs)

Description	Block	2006	2007	2008	2009	2010
Bedford	2nd High	25.58	26.40	28.44	30.19	31.90
Chagrin Falls	3rd High	29.05	29.94	32.24	34.21	36.12
Cleveland Heights	2nd High	25.18	26.00	28.04	29.79	31.50
East Cleveland	Low/1st High	21.75	23.00	24.68	26.10	27.46
Lakewood	Low/1st High	21.75	23.00	24.68	26.10	27.46
Gauga County	3rd High	31.65	32.54	34.84	36.81	38.72

Emergency Standby (All MCFs)

Description	Block	2006	2007	2008	2009	2010
Berea		27.31	30.16	33.33	36.33	39.44
Lake County		26.56	29.33	32.41	35.34	38.36
Lorain County		27.31	30.16	33.33	36.33	39.44
North Ridgeville		21.75	24.02	26.54	28.94	31.41
Medina County		31.65	34.96	38.63	42.12	45.72
Summit County		31.65	34.96	38.63	42.12	45.72
Hudson Village		31.65	34.96	38.63	42.12	45.72
Portage County		31.65	34.96	38.63	42.12	45.72

1 MCF = approximately 7,500 gallons

[All rates are effective on January 1 of each year.]

(b) *For Master Meter communities.* All bills for water furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) *Rates for Standby Emergency Water Service.* The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

(d) *Large Industrial Customers.* All water used in excess of 62,500,000 cubic feet during a three month billing period shall be charged at a rate of seventy-five percent (75%) of the rate prescribed in this section for water used in excess of one thousand (1,000) cubic feet.

(e) *Customers supplied from more than one service district.* Customers with premises supplied with water from more than one service district shall be billed at the rate for the service district from which the predominant quantity of water is supplied.

Section 535.05 Affordability Programs

(a) *Special Homestead Rate.* Homesteads owned by a person sixty-five years of age or older or permanently and totally disabled whose total annual income does not exceed the limits set by the Cuyahoga County Auditor's Homestead Exemption program may be eligible for the special homestead rate established for the service district in which the homestead is located pursuant to Section 535.04 of these Codified Ordinances, provided the owner has obtained a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 353.157 of the Revised Code. The Director of Public Utilities shall prescribe the application form for the homestead rates and have final approval of all applications.

(b) The Director of Public Utilities may establish an affordability program to provide assistance to eligible low-income customers. The program may offer a reduction of twenty percent (20%) from the water bill for resi-

dential customers who have been qualified to receive assistance through the federally funded Home Energy Assistance Program. The Director of Public Utilities shall set the guidelines for administering the affordability program and have final approval of all applications.

Section 535.06 Fees and Charges

(a) *New Connections (taps, fire supply) (ductile iron pipes)*

	2006	2007	2008	2009	2010
1"	\$ 160	\$ 256	\$ 265	\$ 274	\$ 284
1 1/2"	\$ 765	\$1,224	\$1,267	\$1,311	\$1,357
2"	\$ 830	\$1,328	\$1,374	\$1,423	\$1,472
3"	\$ 835	\$1,336	\$1,383	\$1,431	\$1,481
4"	\$1,065	\$1,704	\$1,764	\$1,825	\$1,889
6"	\$1,120	\$1,792	\$1,855	\$1,920	\$1,987
8"	\$1,260	\$2,016	\$2,087	\$2,160	\$2,235
10"	\$1,500	\$2,400	\$2,484	\$2,571	\$2,661
12"	\$2,100	\$3,360	\$3,478	\$3,599	\$3,725

for concrete pipe add 55% surcharge

(b) *Curb Valves (Flat Rate Labor only)*

	2006	2007	2008	2009	2010
1 1/2"	\$ 100	\$ 120	\$ 124	\$ 129	\$ 133
2"	\$ 100	\$ 120	\$ 124	\$ 129	\$ 133
3"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266
4"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266
6"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266
8"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266
10"	\$ 300	\$ 360	\$ 373	\$ 386	\$ 399
12"	\$ 300	\$ 360	\$ 373	\$ 386	\$ 399

(c) *Tapping Sleeve and Valve (for tying new main to existing main)*

	2006	2007	2008	2009	2010
6" or less	\$ 700	\$1,120	\$1,159	\$1,200	\$1,242
8"	\$ 710	\$1,136	\$1,176	\$1,217	\$1,260
10"	\$ 730	\$1,168	\$1,209	\$1,251	\$1,295
12"	\$ 760	\$1,216	\$1,259	\$1,303	\$1,348
16"	\$ 890	\$1,424	\$1,474	\$1,525	\$1,579
16" or greater (deposit + cost)	\$2,700	\$4,320	\$4,471	\$4,628	\$4,790

(d) *Plugging Connections*

	2006	2007	2008	2009	2010
<2"	\$ 900	\$1,440	\$1,490	\$1,543	\$1,597
2" - 12"	\$1,200	\$1,920	\$1,987	\$2,057	\$2,129
>12"	\$1,500	\$2,400	\$2,484	\$2,571	\$2,661

(e) *Meter Settings*

	2006	2007	2008	2009	2010
1" or smaller	\$ 70	\$ 84	\$ 101	\$ 121	\$ 145
1 1/2"	\$ 325	\$ 390	\$ 404	\$ 418	\$ 432
2"	\$ 325	\$ 390	\$ 404	\$ 418	\$ 432
3"	\$ 325	\$ 390	\$ 404	\$ 418	\$ 432
4"	\$ 430	\$ 516	\$ 534	\$ 553	\$ 572
6"	\$ 565	\$ 678	\$ 702	\$ 726	\$ 752
8"	\$ 715	\$ 858	\$ 888	\$ 919	\$ 951
10"	\$ 900	\$1,080	\$1,118	\$1,157	\$1,197
12"	\$1,100	\$1,320	\$1,366	\$1,414	\$1,464

(f) *Install/Replace Meters*

	2006	2007	2008	2009	2010
1" - Vault Setting	\$ 110	\$ 165	\$ 171	\$ 177	\$ 183
1" - inside setting					
w/ remote reading device	\$ 135	\$ 203	\$ 210	\$ 217	\$ 225
1 1/2" - inside setting					
w/ remote reading device	\$ 135	\$ 238	\$ 246	\$ 255	\$ 264
2"	\$ 205	\$ 243	\$ 252	\$ 260	\$ 269
3"	\$ 450	\$ 675	\$ 699	\$ 723	\$ 748
4"	\$ 800	\$1,200	\$1,242	\$1,285	\$1,330
6"	\$1,720	\$2,580	\$2,670	\$2,764	\$2,860
8"	\$2,885	\$4,328	\$4,479	\$4,636	\$4,798
2" compound	\$1,025	\$1,538	\$1,591	\$1,647	\$1,705
3" compound	\$ 977	\$1,877	\$1,943	\$2,011	\$2,081
4" compound	\$1,477	\$2,216	\$2,293	\$2,373	\$2,456
6" compound	\$2,544	\$3,816	\$3,950	\$4,088	\$4,231
8" compound	\$4,045	\$6,068	\$6,280	\$6,500	\$6,727

(g) *Regulators*

	2006	2007	2008	2009	2010
8" (cost plus)	\$1,800	\$2,160	\$2,236	\$2,314	\$2,395
12" (cost plus)	\$3,000	\$3,600	\$3,726	\$3,856	\$3,991

(h) *Water Use From Hydrants (Metered)*

	2006	2007	2008	2009	2010
Meter/Valve/BF					
Assembly Refundable					
Deposit	\$1,000.00	\$1,025.00	\$1,050.00	\$1,075.00	\$1,100.00
Permit	\$ 25	\$ 35	\$ 36	\$ 37	\$ 39
Meter	\$30 1st wk;	\$30 1st wk;	\$30 1st	\$30 1st wk;	\$30 1st
Assembly	\$20/wk	\$20/wk	wk: \$20/	20/wk;	wk: \$20/
Rental Fee	after	after	wk after	after	wk after
Volume Charge	\$20.00	MCF Rates	MCF Rates	MCF Rates	MCF Rates
(\$/MCF/service area)					

(i) *Water Use From Connection (Construction Sites, Estimated)*

	2006	2007	2008	2009	2010
Residential (for building foundation only)	\$ 5	\$ 35	\$ 36	\$ 37	\$ 39
Commercial (for building foundation only)	\$ 10	\$ 105	\$ 109	\$ 112	\$ 116
Volume Charge	\$20.00	MCF Rates	MCF Rates	MCF Rates	MCF Rates
(\$/MCF/service area)					

(j) *Miscellaneous Engineering Services*

	2006	2007	2008	2009	2010
Copy fee for roll maps, engineering dwgs. - per copy	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
Plan reviews - minimum for under 150 l.f.	\$ 100	\$ 150	\$ 155	\$ 161	\$ 166
Plan reviews - per l.f. over 150'	\$ 1	\$ 1.50	\$ 2	\$ 2	\$ 2
Plumber Certification	\$ 20	\$ 30	\$ 30	\$ 30	\$ 30

(k) Chlorination of Water Mains

charges for services:	2006		2007		2008		2009		2010	
	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*
4" diameter	\$420	\$0.35	\$565	\$0.47	\$585	\$0.49	\$605	\$0.51	\$626	\$0.52
6"	\$420	\$0.35	\$565	\$0.47	\$585	\$0.49	\$605	\$0.51	\$626	\$0.52
8"	\$485	\$0.45	\$655	\$0.61	\$678	\$0.63	\$702	\$0.65	\$726	\$0.67
10"	\$550	\$0.45	\$655	\$0.61	\$678	\$0.63	\$702	\$0.65	\$726	\$0.67
12"	\$550	\$0.55	\$745	\$0.74	\$771	\$0.77	\$798	\$0.80	\$826	\$0.82
16"	\$630	\$0.60	\$850	\$0.81	\$880	\$0.84	\$911	\$0.87	\$942	\$0.90
20" or greater (deposit + cost)	\$2,700		\$2,795		\$2,892		\$2,994		\$3,098	
* per ft. charge applies only when the minimum is exceeded										
Come Back Fee	\$300.00		\$310.00		\$320.00		\$330.00		\$340.00	

(l) Meter Test at Customer's Request (red tag, flow test)

	2006	2007	2008	2009	2010
5/8"	\$ 3	\$ 30	\$ 31	\$ 32	\$ 33
3/4"	\$ 3	\$ 30	\$ 31	\$ 32	\$ 33
1"	\$ 3	\$ 30	\$ 31	\$ 32	\$ 33
1 1/2"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67
2"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67
3"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67
4"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67
6"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133
8"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133
10"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133
12"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133

(m) Reading Re-registering Meters

	2006	2007	2008	2009	2010
(\$/read)	\$ 0.50	\$ 1.25	\$ 1.30	\$ 1.35	\$ 1.40

(n) Special Service Calls by Customer Request

	2006	2007	2008	2009	2010
	\$ 0	\$ 15	\$ 16	\$ 16	\$ 17

(o) Charge for Appointment Broken by Customer

	2006	2007	2008	2009	2010
	\$ 0	\$ 25	\$ 26	\$ 27	\$ 28

(p) Returned Checks

	2006	2007	2008	2009	2010
	\$ 25	\$ 26	\$ 27	\$ 28	\$ 29

(q) Quarterly Flat Rate for Unmetered Fire Line Service

	2006	2007	2008	2009	2010
1 - 1/2"	\$ 36.23	\$ 37.50	\$ 38.81	\$ 40.17	\$ 41.57
2"	\$ 36.23	\$ 37.50	\$ 38.81	\$ 40.17	\$ 41.57
3"	\$ 36.23	\$ 37.50	\$ 38.81	\$ 40.17	\$ 41.57
4"	\$ 98.54	\$101.99	\$105.56	\$109.25	\$113.08
6"	\$142.01	\$146.98	\$152.12	\$157.45	\$162.96
8"	\$253.59	\$262.47	\$271.65	\$281.16	\$291.00
10"	\$397.05	\$410.95	\$425.33	\$440.22	\$455.62
12"	\$541.96	\$560.93	\$580.56	\$600.88	\$621.91

(r) *All fees and charges shall be effective on January 1 of each year.*

Section 535.12 Extension of Time for Payment

Water bills shall be paid on or before the date stated on the bill but the Director of Public Utilities may, after investigation, grant an extension of time for payment not to exceed ninety days in cases of indigency, emergency, relief and similar conditions. Partial payments may be accepted, properly approved, but bills must be paid in full before the expiration of the ninety-day period.

Section 535.21 Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area

A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined by the size of the fire supply connection through which water passes for use on the premises so supplied under Section 535.06 of the Codified Ordinances for each three months or any part of three months.

Charges shall be collected quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

Section 535.24 Charges for Water from Fire Hydrants, Private Fire Line Systems, and Other Unmetered Sources

(a) In addition to other charges, if water is used from a public fire hydrant, a private fire line system, or any other unmetered source, upon special permit only, a charge for the permit and a hydrant rental, if applicable, must be paid in advance under Section 535.06 of the Codified Ordinances. A separate permit shall be issued for each hydrant which shall identify its location.

(b) Water may be furnished from a fire hydrant, a private fire line system, or any other unmetered source, for any special purpose authorized by the Commissioner of the Division of Water. The charge for water so furnished shall be under Section 535.04 for the service district in which the fire hydrant private fire line system, or other unmetered source is located, but shall not include a discounted rate for the first 1,000 cubic feet of water. The quantity of water used may be estimated by the Commissioner based on information provided by the user as to the user's purpose and needs, or the Commissioner may require the installation of a meter at the connection to the hydrant to be used, in which event the user shall pay the cost of installing the meter and the cost of all water measured.

Section 535.25 Charges for Water for Building and Construction Purposes

All water for building or construction purposes, whether public or private, shall be paid for under Sections 535.04 and 535.06 of the Codified Ordinances. In the case of water to be used for building purposes, the Director of Building and Housing, before granting any permit to erect, repair, change or alter any building or structure, shall first require the owner of the building to pay in advance an amount as is justly chargeable for water to be used in erecting, repairing, changing or altering such building or structure, and on the refusal of the owner to pay the charges in advance, the Director shall refuse to grant the permit. Charges shall be based on estimates of the amount of masonry, walls, plastering and other work for which water is used in construction, computed according to the accepted rules of the Division of Water. If desired by the property owner or contractor, water for building or construction purposes may be taken through a meter, furnished and set at the expense of the owner or contractor, and paid for at the rate set forth in Sections 535.04 and 535.06 of the Codified Ordinances. However, the advance payment for water in any case shall be made, as previously stated, and if the supply of water is taken entirely through a meter, the charge shall be adjusted under the amount registered by the meter, and the excess of the advance payment, if any, shall be refunded on the completion of the work.

Section 535.27 Use of Fire Hydrants for Construction Purposes

(a) No person shall use any hydrant for construction or other purposes without first obtaining a permit for such use from the Commissioner of Water. Such permit shall be charged under Section 535.06 of the Codified Ordinances.

(b) All hydrants used for any construction purpose, such as sewers, buildings, paving, etc., must have reducing couplings attached to the nozzles of the hydrants, with an independent valve for regulating the supply.

(c) The main valve of the hydrant must be opened full at the beginning of work each day, and remain open until the stoppage of work at night. The water supply shall be regulated by the independent valve. The hydrant shall be operated only by a proper hydrant key, which shall be obtained from the Division of Water.

(d) Water must not be allowed to run except when used. No leaking hose, pipe or joints shall be permitted. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the Commissioner of Water, or his authorized agents, to regulate the use of these hydrants.

(e) In case of failure to comply with the requirements of the Division, the water supply shall be stopped immediately, the hydrant permit revoked and no new permits for the use of any hydrant shall be issued until all damages or charges for the waste of water have been paid.

(f) If required by the Commissioner, a meter shall be applied to the connection made with the hydrant, at the expense of the party using the same and the party shall pay for all water by meter measure.

Section 535.46 Fees for Returned Checks

The Division of Water shall charge an account holder under Section 535.06 of the Codified Ordinances for any check returned for lack of sufficient funds.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 129.18, as amended by Ordinance No. 2661-81, passed December 14, 1981

Section 531.03, as amended by Ordinance No. 1043-75, passed February 2, 1976,

Section 531.04, as amended by Ordinance No. 1230.74, passed September 30, 1974

Section 531.07, as amended by Ordinance No. 776-91, passed May 13, 1991,

Sections 531.77 and 531.78, as enacted by Ordinance No. 99566, passed May 22, 1933,

Section 531.81, as amended by Ordinance No. 309-99, passed June 14, 1999,
 Section 533.01, as amended by Ordinance No. 2825-82, passed January 1, 1983,
 Sections 533.13, 533.15, and 533.16, as enacted by Ordinance No. 99566, passed May 22, 1933,
 Section 533.18, as enacted by Ordinance No. 63410-A, passed September 22, 1924
 Section 533.19, as amended by Ordinance No. 1026-89, passed June 12, 1989,
 Sections 535.04 and 535.05, as amended by Ordinance No. 1551-01, passed August 15, 2001,
 Section 535.051, as amended by Ordinance No. 1743-99, passed June 19, 2000,
 Section 535.06, as amended by Ordinance No. 1551-01, passed August 15, 2001,
 Section 535.12, as enacted by Ordinance No. 235-A-45, passed May 14, 1945,
 Sections 535.18 and 535.21, as amended by Ordinance No. 1743-99, passed June 19, 2000,
 Section 535.24, as amended by Ordinance No. 79-82, passed February 1, 1982,
 Sections 535.25 and 535.27, as enacted by Ordinance No. 99566, passed May 22, 1933, and
 Section 535.46, as amended by Ordinance No. 309-99, passed June 14, 1999
 are repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 535.22 to read as follows:

Section 535.22 Disinfection, Chlorination and Flushing of Water Mains

The Director of Public Utilities is authorized to provide for the disinfection of water mains by chlorination or flushing, including sampling. The charges associated with the work shall be under Section 535.06 of the Codified Ordinances.

Section 5. That the Director of Public Utilities is authorized to enter into new or amended water service agreements with governmental entities to authorize the City to accept ownership of water distribution mains and related distribution facilities ("Distribution Assets") used for distributing water from the City's trunk mains to the end-use consumer's service connection. The City shall have the responsibility to perform capital repairs or replacements of the Distribution Assets, or to reimburse the governmental customer for work performed on the Distribution Assets, using criteria for repair and replacement determined by the Director of Public Utilities in the Director's sole discretion. The new or amended water service agreements shall require transfer of the Distribution Assets without cost to the City, shall include a term of at least twenty (20) years, and shall be substantially in the form of the existing water service agreements with such changes as the Directors of Utilities and Law deem necessary or appropriate. The Director of Public Utilities is authorized to execute related agreements and documents as may be necessary to accomplish the transfer of the Distribution Assets.

Section 6. That, the Director of Finance shall create a special "rate stabilization/affordability" fund into which shall be deposited revenues received from January 1, 2007 through December 31, 2010 that result from water consumption in excess of the amounts projected in the "Comprehensive Financial Plan, Water Rate Study Report, April 2006," and that are remaining after making deposits to the special funds required under the trust indenture securing water revenue bonds. Any revenues deposited in the special fund may be expended only through a proper appropriation by City Council.

Section 7. That Council waives the notice requirements contained in division (b) of Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 5, 2006.
 Effective June 9, 2006.

Ord. No. 779-06.

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

An emergency ordinance to approve rates and charges for sewer service and to amend Sections 541.03, 543.02, and 543.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to sewerage service rates, fees, and charges.

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 rates, rules, and regulations of the Division of Water, Department of Public Utilities, for sewerage service, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

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

541.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1439-86, passed September 15, 1986,

543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1742-99, passed June 19, 2000, and

543.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1388-A-77, passed April 24, 1978

are amended to read as follows:

Section 541.03 Responsibility for Installation and Maintenance of Sewer Connections

(a) That portion of a sewer connection which extends from the public sewer to approximately one foot beyond the existing or proposed curb line of the roadway may be installed originally by a licensed sewer builder or by the Division of Water Pollution Control. In either case, installation shall be at the expense of the property owner whose premises are drained by the sewer connection under rules and regulations promulgated by the Commissioner. The cost of any work performed by the Division of Water Pollution Control shall be under Section 543.03 of the Codified Ordinances.

(b) Once installed, the portion of a sewer connection described in division (a) of this section shall be maintained by the Division of Water Pollution Control.

(c) That portion of a sewer connection which extends from approximately one foot beyond the existing or proposed curb line of the roadway to the property line shall be installed and maintained by a licensed sewer builder at the expense of the property owner whose premises are drained by the sewer connection, and under rules and regulations promulgated by the Commissioner. On application by the sewer builder, the City shall furnish the information as it possesses relative to the location and depth of the sewer connection at the existing or proposed curb line of the roadway. The City shall not guarantee the correctness of the information, and shall not be liable for any error arising from the information.

Section 543.02 Sewerage Service Rates Within Cleveland

(a) Regular and Homestead Rates.

		Sewer Rate Schedule				
		2006	2007	2008	2009	2010
Regular Rates	Minimum Charge	\$ 8.28	\$ 10.28	\$ 11.53	\$ 12.03	\$ 12.53
	> 1st MCF	\$ 8.28	\$ 10.28	\$ 11.53	\$ 12.03	\$ 12.53
Homestead Rates	Minimum Charge	\$ 4.91	\$ 6.10	\$ 6.84	\$ 7.13	\$ 7.43
	> 1st MCF	\$ 4.91	\$ 6.10	\$ 6.84	\$ 7.13	\$ 7.43

(b) Homesteads owned by a person sixty-five (65) years of age or older or permanently and totally disabled whose total annual income does not exceed the limits set by the Cuyahoga County Auditor's Homestead Exemption program may be eligible for the special homestead rate established under division (a) of this section, provided the owner has obtained a certificate of reduction in taxes under the Homestead Exemption provisions of Section 323.151 through 353.157 of the Revised Code. The Director of Public Utilities shall prescribe the application form for the homestead rates and have final approval of all applications.

(c) The sewerage service charges within the City shall be increased to meet the funding requirements of the Ohio Water Development Authority.

(d) Nothing contained in this section shall be held to authorize or require the payment of any sewer rental charge by any tax-supported department of the City.

(e) All rates shall be effective on January 1 of each year.

Section 543.03 Sewerage Service Fees and Charges

WPC Ancillary Fees and Charges

Descriptions	2006	2007	2008	2009	2010
Lay Permit (permit fee + inspection)	\$265.00	\$365.00	\$465.00	\$565.00	\$665.00
Extend Permit (permit fee + inspection)	\$130.00	\$255.00	\$380.00	\$505.00	\$630.00
Repair Permit (permit fee + inspection)	\$ 70.00	\$110.00	\$150.00	\$190.00	\$230.00
Bulkhead Permit (permit fee + inspection)	\$ 35.00	\$ 50.00	\$ 65.00	\$ 80.00	\$ 95.00
Miscellaneous Sewer Permit		\$100.00	\$104.00	\$108.00	\$112.00
General copies	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.30
Engineering plan copies	\$ 1.00	\$ 1.05	\$ 1.10	\$ 1.15	\$ 1.20
Re-inspection Fee		\$250.00	\$259.00	\$268.00	\$277.00
Plan Review					
New Main Sewer (\$/foot)		\$ 1.50	\$ 1.55	\$ 1.60	\$ 1.65
Residential Parcel (\$/parcel)		\$ 50.00	\$ 52.00	\$ 54.00	\$ 56.00
Commercial Parcel (\$/parcel)					
Stormwater (Capacity, Hydraulics & SWPP)		\$100.00	\$104.00	\$108.00	\$112.00
Less than 1 acre		\$200.00	\$207.00	\$214.00	\$221.00
1-5 acres		\$300.00	\$311.00	\$322.00	\$333.00
6-10 acres		\$600.00	\$621.00	\$643.00	\$666.00
More than 10 acres		\$800.00	\$828.00	\$857.00	\$887.00
New Main Sewer Inspection Fee (\$/hour)		\$ 75.00	\$ 78.00	\$ 81.00	\$ 84.00

All fees and charges shall be effective on January 1 of each year.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976,

541.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1439-86, passed September 15, 1986,

543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1742-99, passed June 19, 2000, and

543.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1388-A-77, passed April 24, 1978, are repealed.

Section 4. That Council waives the notice requirements contained in division (b) of Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 781-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of duct cleaning and air handling unit services, for the various divisions of the Department of Port Control.

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 Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of duct cleaning and air handling unit services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150593)

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

Section 4. That this ordinance is declared to be an emergency mea-

sure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 782-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

Section 2. That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of the contracts shall not exceed \$6,875,000.00, and shall be paid from Fund Nos. 19 SF 600, 13 SF 236, 14 SF 027, 14 SF 028, 14 SF 029, 14 SF 030, 14 SF 031, and 14 SF 032, Request No. 149535.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund Nos. 13, 14, and 19 and utilize said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14. The revenues gener-

ated as a result of charging fees are hereby appropriated for additional program and operating expenses for Housing Trust Fund activities.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 783-06.

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

An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 32 and 2006 Federal HOME grant funds, from the United States Government; and

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

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

Section 1. That the Director of Community Development is authorized to expend funds, which are hereby appropriated, from Fund No. 14 SF 032 in the amount of \$1,500,000, and Federal HOME Program funds from Fund 19 SF 600 in the amount of \$693,800, for the operation of the Low Interest Loan and Grant Programs, including all related services. The Low Interest Loan and Grant Programs include Repair-A-Home (RAH), Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, Home Maintenance Assistance Program (HMAP), and American Dream Downpayment Assistance Program.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these pro-

grams and administrative expenses, which repayments and program income are appropriated for those purposes.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 5. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

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.

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 784-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low-income rental or lease-purchase housing units through the Community Housing Development Organization Scattered Site Affordable Housing Program.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low-income rental or lease-purchase housing units through the Community Housing Development Organization (CHDO) Scattered Site Affordable Housing Program.

Section 2. That the cost of the contract or contracts shall not exceed \$2,058,000.00 and shall be paid from Fund Nos. 19 SF 600 and 13 SF 236, Request No. 149529.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 785-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

Whereas, the Block Grant Plans as approved commit funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

Section 1. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metropolitan, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant ("CDBG") Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the

Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$8,400,000.00 and shall be paid from Fund Nos. 14 SF 028, 14 SF 029, 14 SF 030, 14 SF 031 and 14 SF 032.

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

Section 7. That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 8. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 788-06.

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

An emergency ordinance authorizing the Secretary of the Civil Service Commission to employ one or more professional consultants to perform a job analysis and to develop, administer and grade entry-level examinations for the Divisions of Police and Fire, and promotional examinations for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Secretary of the Civil Service Commission is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform a job analysis and to develop, administer and grade entry-level examinations for the Divisions of Police and Fire, and promotional examinations for the Division of Police, Department of Public Safety.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Secretary of the Civil Service Commission from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Secretary of the Civil Service Commission for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Secretary of the Civil Service Commission, and certified by the Director of Finance. The City and the Consultant may enter into separate contracts for the separate phases of the services necessary. The Civil Service Commission shall initiate a request for the entry-level examinations described in this section not later than 18 months from the effective date of this ordinance, and if the Commission fails to do so within that time frame, the Secretary's authority to enter into contract under this ordinance shall expire, but this shall not affect the validity of any contract entered into by the Secretary under this ordinance prior to the expiration of said 18-month period.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 01-010801-632000, Request No. 107443.

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

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 818-06.

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

An emergency ordinance authorizing the purchase by one or more contracts of one on-line check generation, fold and seal system, including hardware and software, installation, programming set up and training, and maintenance, materials, and supplies for a two year period, with three options to renew for additional one-year periods, for the Division of Treasury, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) on-line check generation, fold and seal system, including hardware and software, installation, programming set up and training, and maintenance, materials, and supplies for a two year period, with three options to renew for additional one-year periods, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Treasury, Department of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 118762.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 819-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Datamatic, Ltd. for professional services necessary to provide maintenance and repair of meter reading, collections, investigations and meter maintenance systems, including hardware and software-support based, for the Division of Water, 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 enter into one or more contracts with Datamatic, Ltd. for professional services necessary to provide maintenance and repair of meter reading, collections, investigations and meter maintenance systems, including hardware and software-support based, in the total sum of \$149,061.00 for a one year period, with the option of picking up an additional year, for the Division of Water, Department of Public Utilities. The contracts or contracts shall be paid from Fund Nos. 52 SF 001, Request No. 161567.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 820-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with ESRI for professional services necessary to perform maintenance on Citywide GIS software.

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 enter into one or more contracts with ESRI for professional services necessary to perform maintenance on Citywide GIS software on the basis of its proposal dated February 10, 2006, in the total sum not to exceed \$181,878.35, for the various divisions of City government. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. 161598.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 822-06.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Southwest Airlines Co. to lease cargo space at Cleveland Hopkins International Airport, for the Department of Port Control, for a period of five years, with one option to renew for an additional five years.

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 Port Control is authorized to enter into a Lease Agreement ("Lease") with Southwest Airlines Co. ("Lessee") for use and occupancy of approximately 6,400 square feet of cargo space at Cleveland Hopkins International Airport ("Leased Premises"), and more fully described in the map placed in File No. 822-06-A. The term of the Lease shall be for a five-year period, with one option to renew for an additional five years, commencing July 1, 2006, with rent payments to begin October 1, 2006, or the first day of beneficial occupancy after construction build-out is complete, whichever first occurs. For use of the Leased Premises, Lessee shall pay the City \$46,400 per year, payable in monthly installments on the first day of each month of the Lease, which is equal to \$7.25 per square foot.

Section 2. That the Lease authorized shall be prepared by the Director of Law.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 824-06.

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

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to lease space from the Greater New Calvary Baptist Church to provide facilities for recreation activities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide social service programs.

Section 2. That the Director of Community Relations is authorized to enter into or amend contracts with various non-profit agencies to provide youth at risk programs.

Section 3. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Parks, Recreation and Properties is authorized to lease from the Greater New Calvary Baptist Church, a gym located at 822 East 150th Street, Cleveland, Ohio, for a period of one year.

Section 4. That the rent for the lease shall be \$9,900 per year; that the lease may provide for the City to pay for the installation and operating cost of utility services to the leased premises; that the lease shall be for the purpose of providing a facility for recreation activities; and that the lease shall be prepared by the Director of Law.

Section 5. That the Director of Community Development is authorized to enter into Memoranda of Understandings with the Directors of Community Relations and Parks, Recreation and Properties for the purposes described in this ordinance.

Section 6. That the total cost of the contracts authorized by this ordinance shall not exceed \$2,100,000.00 and shall be paid from Fund Nos. 14 SF 032, Request No. 149534.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 825-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide housing, commercial, industrial

and real estate development activities.

Section 2. That the cost of the contracts authorized in this ordinance shall not exceed \$2,114,000.00, and shall be paid from Fund No. 14 SF 032, Request No. 149532.

Section 3. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial and real estate development activities, and the program income is appropriated for those purposes.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

Section 5. That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

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.

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 826-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with CDBG-eligible agencies to implement the Cityworks Program.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various CDBG-eligible agencies to implement the Cityworks Program.

Section 2. That the aggregate cost of the contracts authorized in this ordinance shall not exceed \$150,000.00, and any prior years CDBG Cityworks program balances, and shall be paid from Fund Nos. 14 SF 032, Request No. 149533.

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

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 874-06.

**By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance to amend the title and Section 1 of Ordinance No. 1498-05, passed October 24, 2005, relating to a lease with RW Armstrong for office space at Cleveland Burke Lakefront Airport.**

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

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

Section 1. That the title and Section 1 of Ordinance No. 1498-05, passed October 24, 2005, are amended as follows:

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with RW Armstrong for the lease of office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of five years, with one option to renew for an additional five-year period.

Section 1. That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with RW Armstrong ("Lessee") for use and occupancy of approximately 4,350 square feet of office space located on the second floor of Cleveland Burke Lakefront Airport ("Leased Premises"). The term of the Lease shall be for a five-year period, commencing on the effective date of the Lease, with one option to renew for an additional five-year period exercisable by the Director of Port Control. For use of the Leased Premises, Lessee shall pay the City an annual rate of at least Fifty Four Thousand Three Hundred Seventy-Five Dollars (\$54,375) which is equal to \$12.50 per square foot. The annual rate will be finally determined by appraisal.

Section 2. That the existing title and Section 1 of Ordinance No. 1498-05, passed October 24, 2005, are repealed.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 877-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to extend Contract No. 61760 with Modis Incorporated on a month-to-month basis,

for a period not to exceed six months, for professional services necessary to perform maintenance on the MITIS computer system for the Division of Taxation.

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 extend the term of Contract No. 61760 with Modis Incorporated on a month-to-month-basis, for a period not to exceed six months, to continue to provide professional services to provide maintenance and support services for the MITIS computer system for the Division of Taxation. All other terms and conditions of the contract shall remain the same. The contract extension authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance.

Section 2. That the cost of the contract extension or extensions authorized by this ordinance shall be paid from the Fund No. 81 SF 001, Request No. 127094.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 884-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of McAfee virus protection support, for the various divisions of City government, for a period of one year with a one-year option to renew.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period, with a one-year option to renew, of the necessary items of McAfee virus protection support, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of city government. 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 combina-

tion of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 142062)

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

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 885-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware and software, for the various divisions of City government, for a period of one year with a one-year option to renew.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with a one-year option to renew, of the necessary items of hardware and software, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the

Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL146289)

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

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 886-06.

By Council Members Brady and Sweeney (by departmental request). An emergency ordinance approving the Draft Solid Waste Management Plan of the Cuyahoga County Solid Waste Management District.

Whereas, the Ohio Solid Waste Disposal Act, effective June 24, 1988, mandated that all counties establish a Solid Waste District and a Solid Waste Management Policy Committee to prepare, adopt and submit to the Ohio Environmental Protection Agency a Solid Waste Management Plan (Sections 3734.52 to 3734.56 of the Revised Code); and

Whereas, through its Resolution No. 814313, adopted August 29, 1988, the Cuyahoga County Board of Commissioners formed a single-county Solid Waste Management District, under Section 3734.52 of the Revised Code; and

Whereas, the City of Cleveland is located within the jurisdiction of the Cuyahoga County Solid Waste Management District ("District"); and

Whereas, the Director of the Ohio Environmental Protection Agency, on March 30, 1989, designated the Cuyahoga County Planning Commission to serve as the Solid Waste Management Policy Committee for the Cuyahoga County Solid Waste District (the "Policy Committee") under division (D) of Section 3734.54 of the Revised Code, which Policy Committee is required to prepare a "solid waste management plan" for the District (the "Plan"); and

Whereas, the Policy Committee prepared and adopted a final draft of the Plan under Sections 3734.53,

3734.54, and 3734.55 of the Revised Code; and

Whereas, the District provided a copy of the Plan for ratification to each of the legislative authorities of the District; and

Whereas, the City of Cleveland must decide whether it approves of the Plan within ninety days of receipt of the Final Draft Plan; and

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

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

Section 1. That the Plan for the Cuyahoga County Solid Waste Management District is approved in the form submitted to this Council and contained in File No. 886-06-A.

Section 2. That the Clerk of Council is directed to send a copy of this ordinance to the Cuyahoga County Solid Waste District, 323 Lakeside West Avenue West, Suite 400, Cleveland, Ohio, 44113, attention Patrick J. Holland, Executive Director.

Section 3. That it is found and determined that all formal actions of the Council concerning and relating to the passage of the ordinance were passed in an open meeting of this council and of any of its committees that resulted in the formal actions were in meetings open to the public in compliance with all legal requirements.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 933-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide maintenance for six Dell servers, for a period of two years.

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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide maintenance for six Dell servers that support the Peoplesoft financial system for a period of two years.

The selection of the consultants for the services shall be made by the Board of Control on the nomi-

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 01-151101-661600, Request No. 142063.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 938-06.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with Ace Janitorial and Surgical Supply Co. for the purchase of a Rosemore International escalator step cleaner and necessary accessories, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Ace Janitorial and Surgical Supply Co. Therefore the Director of Port Control is authorized to make one or more written contracts with Ace Janitorial and Surgical Supply Co on the basis of its proposal dated September 2, 2005, for a Rosemore International escalator step cleaner and necessary accessories, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of the improvement authorized shall be paid from Fund No. 60 SF 001, Request No. 150590.

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

Passed June 5, 2006.

Effective June 9, 2006.

Ord. No. 995-06.**By Council Members Lewis and Sweeney (by departmental request).****An emergency ordinance to amend Sections 4, 13, 18, 49, and 52 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 Sections 4, 13, 18, 49, and 52 of Ordinance No. 289-06, passed March 27, 2006, are amended to read as follows:

Section 4. Employees of Council - Salary

That the Clerk of Council, with the approval of the President of Council, shall fix the salary of the employees of Council within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Administrative Assistant.....	\$21,851.06	\$ 71,329.44
2. Administrative Secretary.....	\$20,800.00	\$ 71,329.44
3. Assistant Legislative Clerk.....	\$20,800.00	\$ 55,902.08
4. Chief City Archivist.....	\$21,851.06	\$ 75,233.60
5. Chief Legislative Secretary.....	\$21,851.06	\$ 75,233.60
6. Council Receptionist.....	\$20,800.00	\$ 45,140.16
7. Deputy City Archivist.....	\$20,800.00	\$ 71,329.44
8. Deputy Clerk.....	\$21,851.06	\$ 71,329.44
9. Director of Communications.....	\$24,974.46	\$ 75,233.60
10. Director of Policy Research.....	\$24,974.46	\$ 75,233.60
11. Executive Assistant - Administration.....	\$24,974.46	\$ 75,233.60
12. Executive Assistant - Councilmembers.....	\$20,800.00	\$ 32,328.82
13. Executive Assistant to the Clerk of Council.....	\$24,974.46	\$ 75,233.60
14. Financial Assistant.....	\$20,800.00	\$ 45,140.16
15. Financial Manager.....	\$21,851.06	\$ 75,233.60
16. Financial Officer.....	\$20,800.00	\$ 71,329.44
17. First Assistant Clerk.....	\$24,975.91	\$ 75,233.60
18. Information and Technology Administrator.....	\$21,851.06	\$ 71,329.44
19. Information Systems Engineer.....	\$24,974.46	\$ 75,233.60
20. Legislative Assistant.....	\$20,800.00	\$ 60,186.88
21. Legislative Committee Clerk.....	\$20,800.00	\$ 60,186.88
22. Legislative Secretary.....	\$20,800.00	\$ 60,186.88
23. Personnel and Human Resources Assistant.....	\$20,800.00	\$ 71,329.44
24. Personnel and Human Resources Manager.....	\$21,851.06	\$ 75,233.60
25. Planning and Development Advisor.....	\$55,000.00	\$ 74,984.00
26. Policy Research Analyst.....	\$21,851.06	\$ 71,329.44
27. Public Relations Manager.....	\$21,851.06	\$ 75,233.60
28. Sergeant-at-Arms.....	\$20,800.00	\$ 41,385.76
29. Special Counsel.....	\$41,416.04	\$ 80,340.00

Section 13. International Union of Painters and Allied Trades, District Council No. 6, AFL-CIO. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Sign Painter.....	\$ 23.23	\$ 30.28
2. Sign Painter Unit Leader.....	\$ 24.23	\$ 32.13
3. Spray Painter.....	\$ 20.83	\$ 27.58
4. Traffic Sign and Marking Supervisor.....	\$ 13.28	\$ 24.09
5. Traffic Sign Process Operator.....	\$ 13.28	\$ 24.09

Section 18. S.E.M.E., Local 1. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Auto Body Repair Unit Leader.....	\$ 12.88	\$ 23.51
2. Auto Body Repair Worker.....	\$ 15.73	\$ 19.55
3. Automobile Repair Helper.....	\$ 10.13	\$ 15.42
4. Automobile Repair Worker.....	\$ 12.60	\$ 19.37
5. Automobile Repairman Unit Leader.....	\$ 17.78	\$ 23.51
6. Blacksmith.....	\$ 15.79	\$ 22.90
7. Garage Worker.....	\$ 12.42	\$ 16.48
8. Heavy Duty Mechanic.....	\$ 15.75	\$ 23.22

9.	Heavy Duty Unit Leader	\$ 23.85	\$ 28.78
10.	Small Equipment Repair Worker.....	\$ 12.26	\$ 17.83
11.	Tire Repair Worker.....	\$ 14.08	\$ 17.66
12.	Welder.....	\$ 18.36	\$ 22.58

Section 49. Housing Court Employees

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Chief Housing Court Specialist.....	\$52,158.83	\$ 83,722.08
2. Housing Court Administrative Assistant.....	\$23,063.94	\$ 49,616.32
3. Housing Court Administrator.....	\$64,815.84	\$ 94,095.04
4. Housing Court ADR Specialist.....	\$42,178.00	\$ 81,565.12
5. Housing Court Chief Bailiff.....	\$38,884.00	\$ 82,719.52
6. Housing Court Chief Magistrate.....	\$50,322.00	\$ 92,266.72
7. Housing Court Coordinator.....	\$23,064.00	\$ 50,891.36
8. Housing Court Court Reporter.....	\$23,715.99	\$ 56,472.00
9. Housing Court Deputy Bailiff.....	\$22,173.84	\$ 52,784.16
10. Housing Court Deputy Bailiff - Uniformed.....	\$22,173.84	\$ 52,784.16
11. Housing Court Deputy Bailiff Supervisor.....	\$42,815.88	\$ 67,753.92
12. Housing Court Deputy Bailiff/Finance Officer.....	\$38,544.06	\$ 64,534.08
13. Housing Court Deputy Bailiff/Judicial Clerk.....	\$21,993.75	\$ 49,358.40
14. Housing Court Deputy Bailiff/Staff Attorney.....	\$29,585.00	\$ 67,866.24
15. Housing Court Magistrate.....	\$42,178.32	\$ 81,565.12
16. Housing Court Magistrates' Personal Bailiff.....	\$23,063.94	\$ 49,616.32
17. Housing Court Personal Bailiff.....	\$63,969.00	\$ 79,065.89
18. Housing Court Project Coordinator.....	\$31,050.00	\$ 65,407.68
19. Housing Court Receptionist.....	\$23,064.00	\$ 34,062.08
20. Housing Court Scheduler.....	\$23,063.94	\$ 49,616.32
21. Housing Court Secretary.....	\$20,815.92	\$ 35,066.72
22. Housing Court Specialist.....	\$29,585.48	\$ 56,904.64
23. Housing Court Specialist - Mediation Coordinator.....	\$29,585.48	\$ 57,068.96
24. Housing Court Student Aide.....	\$ 10.30	\$ 10.30

Section 52. Division of Police; Patrol Officers

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

	Minimum	Maximum
1. Patrol Officer I.....	\$48,832.15	\$ 50,812.11
2. Patrol Officer II.....	\$41,980.86	\$ 45,999.89
3. Patrol Officer III.....	\$41,447.84	\$ 44,398.92
4. Patrol Officer IV.....	\$40,381.79	\$ 43,256.97
5. Trainee.....	\$ 10.50	\$ 10.82

Section 2. That existing Sections 4, 13, 18, 49, and 52 of Ordinance No. 289-06, passed March 27, 2006, are repealed.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 996-06.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance to amend the title and Section 1 of Ordinance No. 2206-05, passed April 3, 2006, relating to a grant from University Hospitals for the Safe Communities, DUI Prevention Task Force Program.

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

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

Section 1. That the title and Section 1 of Ordinance No. 2206-05, passed April 3, 2006, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant and the gift of equipment from University Hospitals for the Safe Communities, DUI Prevention Task Force Program.

Section 1. That the Director of Public Safety is authorized to apply

for and accept a grant in the amount of \$51,200, from University Hospitals to conduct the Safe Communities, DUI Prevention Task Force Program and the gift of equipment necessary to implement the grant, valued at \$50,450 from University Hospitals; that the Director is authorized to file all papers and execute all documents necessary to receive the funds and equipment under the grant; and that the funds are appropriated for the purposes described in the planning worksheet for the grant contained in the file described below.

Section 2. That the existing title and Section 1 of Ordinance No. 2206-05, passed April 3, 2006, are repealed.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 1005-06.
By Council Member Reed.
An emergency ordinance authorizing the Director of Economic Development to enter into an agree-

ment with the Mt. Pleasant, Community Zone for the 3rd Annual Celebration in the Park through the use of Urban Development Action Grant Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the Mt. Pleasant Community Zone for the 3rd Annual Celebration in the Park for the public purpose of promoting community and economic revitalization efforts that are taking place in the City of Cleveland through the use of UDAG Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 17 SF 17652.

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

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 1006-06.
By Council Member Cleveland.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Burton, Bell, Carr Development, Inc. to encroach into the public right-of-way of Central Avenue a East 73rd Street, Clarkwood Road south of Cedar Avenue at the first bend and the northwest corner of East 77th Street and Cedar Avenue with three security cameras to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Burton, Bell, Carr Development, Inc., 3226 East 93rd Street Cleveland Ohio 44104, ("Permittee"), to encroach into the public right-of-way above Central Avenue at East 73rd Street, Clarkwood Road south of Cedar Avenue at the first bend and the northwest corner of East 77th Street and Cedar Avenue by installing, using, and maintaining three security cameras to be attached to Cleveland Public Power utility poles (by separate permission), at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
Central Avenue at East 73rd Street	E2-56-14	CPP
Clarkwood Road south of Cedar Avenue at the first bend	E2-65-12-3A	CPP
Northwest corner of East 77th Street and Cedar Avenue	E2-50	CPP

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

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

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

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

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 1015-06.**By Council Member Cimperman.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the St. Clair-Superior Development Corporation to stretch banners on St. Clair between Norwood & Addison for the period from July 1, 2006 through July 30, 2006, inclusive, announcing the Slovenian Celebrations.

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 St. Clair-Superior Development Corporation to install, maintain and remove banners on St. Clair between Norwood & Addison, for the period from July 1, 2006 through July 30, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 1016-06.**By Council Member Britt.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Fairfax Renaissance Development Corporation for the Community Expo Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Fairfax Renaissance Development Corporation for the Community Expo Program for the public purpose

of providing an educational expo for city of Cleveland residents on the various services and programs that are offered by the many different nonprofit organizations and city departments through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 1017-06.**By Council Member Reed.**

An emergency ordinance amending Section 1 of Ordinance No. 711-06 passed April 17, 2006 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Nathan Hale Empowerment Program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 711-06 passed April 17, 2006 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement effective January 1, 2006 to December 31, 2006 with the Cleveland Church of Christ Economic Development, Inc. for the Nathan Hale Empowerment Program for the public purpose of providing educational classes on conflict management to City of Cleveland residents through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 711-06 passed April 17, 2006 is hereby repealed.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 1018-06.**By Council Member White.**

An emergency ordinance amending Section 1 of Ordinance No. 1182-05 passed June 6, 2006 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Custom Enrichment Center for the Corlett Empowerment Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 1182-05 passed June 6, 2006 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement effective October 1, 2004 to June 30, 2005 with the Custom Enrichment Center for the Corlett Empowerment Program for the public purpose of providing comprehensive social support educational programs for Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 1182-05 passed June 6, 2006 is hereby repealed.

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

Passed June 5, 2006.
Effective June 9, 2006.

Ord. No. 1019-06.**By Council Member White.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Earle B. Turner Empowerment Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Earle B. Turner Empowerment Program for the public purpose of providing educational classes on conflict management to City of Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not

to exceed \$9,000 and shall be paid from Fund No. 10 SF 166.

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

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

from and after the earliest period allowed by law.
 Passed June 5, 2006.
 Effective June 9, 2006.

**COUNCIL COMMITTEE
 MEETINGS**
 NO MEETINGS

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