

The City Record

Official Publication of the Council of the City of Cleveland



June the Seventh, 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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WEDNESDAY, JUNE 7, 2006

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CITY COUNCIL

MONDAY, JUNE 5, 2006

The City Record

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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 5, 2006

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

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

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Eric L. Waldon of Mt. Hermon Baptist Church, located at 2516 East 40th Street in Ward 5. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 1022-06.

From The Richard E. Jacobs Group, Inc. — re: Financial Agreements dated July 6, 1988, between the City of Cleveland and Public Square North Community Urban Redevelopment Corporation, Mall A Community Urban Redevelopment Corporation and Memorial Park Garage Community Urban Redevelopment Corporation, as amended (the "Financial Agreements"), pertaining to Tax Abatement for Key Center. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1023-06.

Re: New Application — 26366250010 — Fanny's Inc., d.b.a. Fanny's Restaurant, 353 East 156th Street. (Ward 11). Received.

File No. 1024-06.

Re: New Application — 2944323 — Froggy's Entertainment, Inc., d.b.a. Combinations Lounge, 6200 Brookpark Road, first floor and basement. (Ward 16). Received.

File No. 1025-06.

Re: New Application — 8897590 — Daisha N. Thomas, d.b.a. Hoppen-sack Shack, 3129 East 65th Street. (Ward 12). Received.

File No. 1026-06.

Re: New Application — 0092822 — Alanbe Distribution & Sales, Inc., d.b.a. Alanbe Food Outlet, 3400 Carnegie Avenue. (Ward 5). Received.

File No. 1027-06.

Re: Transfer of Ownership Application — 0174125 — Amitel Colonial II, Inc., d.b.a. Residence Inn, 527 Prospect Avenue. (Ward 13). Received.

File No. 1028-06.

Re: Transfer of Ownership Application — 5249587 — Locomotion, LLC, d.b.a. Sinergy, 1213 West 6th Street. (Ward 13). Received.

File No. 1029-06.

Re: Transfer of Ownership Application — 6367874 — New Sir Rah House LLC, 4170 Lee Road. (Ward 1). Received.

File No. 1030-06.

Re: Transfer of Ownership Application — 8684430 — Sujud, Inc., d.b.a. Stop N Save, first floor, 13501-05 Lakewood Heights Boulevard. (Ward 19). Received.

File No. 1031-06.

Re: Transfer of Ownership Application — 9828587 — Yelhsa, Inc., d.b.a. Sam's Express Food & Beverage, 4055 East 93rd Street. (Ward 2). Received.

File No. 1032-06.

Re: Transfer of Ownership Application — 6098799 — Monae International Corp., d.b.a. Club Rendezvous, 7018 Union Avenue, first floor front & basement. (Ward 12). Received.

File No. 1033-06.

Re: Transfer of Ownership Application — 2887601 — Frank's Deli, LLC, d.b.a. Frank's Delicatessen, 4051 West 140th Street. (Ward 20). Received.

OATH OF OFFICE**File No. 1034-06.**

Brian A. Reilly — oath of office — Director of Economic Development. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1035-06—Edmund Curtis Crenshaw.

Res. No. 1036-06—Bishop Lizzie L. Perry-Looper.

Res. No. 1037-06 — Charley Mae Gassaway.

CONGRATULATION RESOLUTIONS

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

Res. No. 1038-06—Evelyn J. Robinson.

Res. No. 1039-06—Joyce Needham.

Res. No. 1040-06—Reverend Kenneth J. Piechowski.

Res. No. 1041-06 — St. Andrew Church - 100th Anniversary.

Res. No. 1042-06 — John F. Kennedy High School Lady Eagles Basketball Team.

RECOGNITION RESOLUTIONS

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

Res. No. 1043-06 — "Slovenian Days".

Res. No. 1044-06—Cuyahoga County Soldiers' & Sailors' Monument Commission and Support Group.

APPRECIATION RESOLUTIONS

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

Res. No. 1045-06—Anna Chatman.

Res. No. 1046-06—Reverend Larry W. Howard.

Res. No. 1047-06—Patrol Officer Steve Walker.

FIRST READING EMERGENCY ORDINANCES REFERRED**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.

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 accept a cash donation from the Greater Cleveland Partnership in the amount of \$50,000 to be used for conducting a national search, and assisting with recruitment expenses and moving expenses for recruited employees.

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

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

Ord. No. 976-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to cause payment to E-Command, LLC for the cost of providing telecommunication services and hosting the City's e-mail system from January 2002, through June 2005.

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

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

Section 1. That this Council authorizes payment to E-Command, LLC for the cost of providing telecommunication services and hosting the City's e-mail system from January 2002, through June 2005, from Fund No. 01-151101-632000, Request No. 142064.

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

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

Ord. No. 977-06.

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 High Line Corporation dba CASNET for professional services

necessary to provide hardware maintenance and software support for OnBase document management system, various Bell & Howell flatbed scanners, and one Panasonic color scanner, for a one year period.

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 High Line Corporation dba CASNET for professional services necessary to provide hardware maintenance and software support for OnBase document management system, various Bell & Howell flatbed scanners, and one Panasonic color scanner, for a one-year period, on the basis of its proposal dated January 4, 2006, in the total sum of \$43,026.10, for the Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 52 SF 001, Request No. 163750.

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

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

Ord. No. 978-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of environmental equipment and supplies necessary for compliance with EPA regulations and general environmental standards, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of various types of environmental equipment and supplies necessary for compliance with EPA regulations and general environmental standards, 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 Divisions of Water, Water Pollution control, and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination

of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 163758)

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

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

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

Ord. No. 979-06.

By Council Members Zone and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for analyzing, identifying, storing, remediating, transporting, recycling and disposing of various chemicals, hazardous wastes, products and other non-hazardous and recyclable waste materials, for the Divisions of Water, Cleveland Public Power and 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 requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materi-

als necessary for analyzing, identifying, storing, remediating, transporting, recycling and disposing of various chemicals, hazardous wastes, products and other non-hazardous and recyclable waste materials, 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 Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 163759)

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

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

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

Ord. No. 980-06.

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

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1255-05, passed November 21, 2005, relating to widening portions of East 116th Street; and authorizing the Director of Public Service to enter into a cooperative agreement with the Greater Cleveland Regional Transit Authority to make the improvement.

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

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

Section 1. That the title, Section 1 and Section 2 of Ordinance No. 1255-05, passed November 21, 2005, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of widening the East 116th Street bridge and East 116th Street between Martin Luther King Boulevard and the East 117th Street Bridge and various intersection modifications; 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 of Public Service to employ one or more professional consultants to design the improvement; and authorizing the Director to enter into agreements with the Greater Cleveland Regional Transit Authority.

Section 1. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more first of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the widening of the East 116th Street bridge and East 116th Street between Martin Luther King Boulevard and the East 117th Street Bridge and various modifications at various intersections, including the Stokes/MLK/Fairhill intersection, the East 116th and MLK intersection, and the East 110th Street/MLK intersection (the "Improvement").

The selection of the consultants for the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Service from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the existing title, Section 1 and Section 2 of Ordinance No. 1255-05, passed November 21, 2005, are repealed.

Section 3. That the Director of Public Service is authorized to enter into a cooperative agreement with the Greater Cleveland Regional Transit Authority to make the Improvement.

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

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

Ord. No. 981-06.

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

An emergency ordinance authorizing the Director of Public Service to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in property located on West 130th Street at Brooklawn Avenue and declaring the easement rights not needed for public use.

Whereas, Dominion East Ohio Gas ("Dominion") requested the Director of Public Service to convey certain easement rights in property located on West 130th Street at Brooklawn Avenue; and

Whereas, Dominion requires the easement rights to widen West 130th Street at Brooklawn Avenue in conjunction with the rehabilitation and replacement of the West 130th Street Bridge improvement in order to relocate an existing gas line; 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:

Situated in City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Brooklawn Avenue, vacated by City Ordinance No. 79000, dated May 16, 1927, and further known as being part of Original Rockport Township Section No. 11.

Starting at the intersection of the centerlines of West 130th Street, 60.00 feet wide, and Brooklawn Avenue, width varies, said point also being STA 105+ 72.57 as shown by Right-of-Way Sheet 52/52 of the West 130th Bridge No. 64 Replacement Plan M-4952; thence North 0° 23' 09" East along the said centerline of West 130th Street, 127.43 feet; thence South 89° 36' 51" East, 30.00 feet to a point in the easterly line of West 130th Street, at the Principal Place of Beginning of the easement herein intended to be described, said point also being 30.00 feet right of STA 107+00 as shown by said Bridge Replacement Plan:

thence continuing South 89° 36' 51" East, 10.00 feet;

thence South 0° 23' 09" West, 70.09 feet to a point in the northeasterly line of a 20.00 foot radius turnout

between the northerly line of Brooklawn Avenue and the said easterly line of West 130th Street;

thence northwesterly along said turnout by a curve to the right, an arc distance of 20.94 feet, said arc having a radius of 20.00 feet, a central angle of 60° 00' 00", and a chord which bears North 29° 36' 51" West, 20.00 feet to a point in the said easterly line of West 130th Street;

thence North 0° 23' 09" East along the said easterly line of West 130th Street, 52.77 feet to the Principal Place of Beginning and containing 650.54 square feet (0.0149 acres) of land as described on November 11, 2005 by R.M. Kole & Assoc. Corp., Professional Land Surveyors.

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 interest to Dominion subject to any conditions stated in this ordinance at a price of One Dollar (\$1.00) and other valuable considerations, which is determined to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to widen West 130th Street at Brooklawn Avenue in conjunction with the rehabilitation and replacement of the West 130th Street Bridge improvement in order to relocate an existing gas line.

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 Service; 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 Service 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 Service and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the widening of West 130th Street at Brooklawn Avenue 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 Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 982-06.

By Council Members Cimperman, Brady 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.

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 or Economic Development, as appropriate, is authorized 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, in the estimated amount of \$88,937.20, for the Departments of Public Service or Economic Development. The contract or contracts shall be paid from Fund No. 17 SF 305, Request No. 175001.

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

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

Ord. No. 983-06.

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

An emergency ordinance authorizing the Director of Public Service to enter into a permanent license agreement with The National Oceanic and Atmospheric Administration to install a current meter in the Cuyahoga River adjacent to the City's Center Street swing bridge.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into a permanent license agreement with The National Oceanic and Atmospheric Administration ("NOAA") to install a current meter in the Cuyahoga River adjacent to the City's Center Street swing bridge. The duration of the permanent license agreement shall be until the license is abandoned by NOAA by the removal of the current meter or cessation of use.

Section 2. That the consideration of the permanent license agreement shall be for \$1.00 and other valuable considerations which are determined to be fair market value.

Section 3. That the license agreement shall be prepared by the Director of Law.

Section 4. That the Director of Public Service and the Director of Law, and other appropriate City officials, are authorized to execute any other documents and certificates, and take other actions as may be necessary or appropriate to effect the license agreement authorized by this ordinance.

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

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

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.

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes the real property necessary to make the improvement to Jennings road between Spring road and the Jennings Freeway ramp. The consideration to be paid for the property shall not exceed fair market value.

Section 2. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire real property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of the property.

Section 3. That the costs of the property acquisition shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, from the fund or funds which are credited the grant proceeds accepted under Ordinance No. 2242-05, passed February 13, 2006, and from the fund or funds which are credited any funding received from First Interstate Development Company, Ltd. under the agreement also authorized by Ordinance No. 2242-05.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 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.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing conduits, manholes, surface restoration and appurtenances to place an electric line underground on Lorain Avenue between West 150th Street and Fairview Hospital, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Public Service is authorized to enter into an agreement with the Cleveland Electric Illuminating Company to pay premium charges for the installation of the underground line.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, and from the fund or funds to which are credited the premium charges accepted under the agreement authorized in Section 3 of this ordinance, Request No. 175008.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 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.

Whereas, through Ordinance No. 1744-04, Council authorized a grant agreement with the Detroit Shoreway Community Development Organization to design streetscape improvements between W 58th Street and W 75th Street; 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 Public Service is authorized to enter into an amendment to Contract No. 63664 with the Detroit Shoreway Community Development Organization to provide additional streetscape design improvements between W. 58th Street and W. 75th Street, and to increase the contract by \$128,135.

Section 2. That the cost of the contract amendment shall be paid from Fund Nos. 17 SF 008, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 175019.

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

Ord. No. 987-06.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Federal Emergency Management Agency for the 2006 Assistance to Firefighters Grant; and to enter into one or more requirement contracts necessary for the purchase of materials, equipment, supplies, and training necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$399,300.00, from Federal Emergency

Management Agency to conduct the 2006 Assistance to Firefighters Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 987-06-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide \$99,825.00 in cash matching funds from Fund No. 01-600300-639905, 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 Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That 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 during the grant term of the necessary items of materials, equipment, supplies, and training needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the 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 shall determine. Alternate bids for a period less than the grant 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 5. That the costs of the 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.

Section 6. 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 Safety 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 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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.

Whereas, there remains an unappropriated balance in the Golf Course Enterprise Fund, the sum of Six Hundred Thousand Dollars (\$600,000) which is available for additional appropriation; and

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements to the Highland Park Golf Course, including but not limited to cart paths, fairways, bunkers, and drainage, for the Division of Research Planning and Development, Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That there is appropriated the additional revenue as set forth in the Official Certificate of Estimated Resources previously unappropriated as follows:

ENTERPRISE FUNDS

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES	\$	600,000
Golf Course Fund		
II. Other Expenses	\$	600,000
 TOTAL DEPARTMENT OF PARKS, RECREATION AND PROPERTIES	 \$	 600,000

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 63 SF 001, Request No. 132922.

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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

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.

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2005-2006 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

Section 1. That the Director of Parks, Recreation and Properties and Finance are authorized to enter into one or more contracts with the Board of Education of the Cleveland City School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2005-2006 school year, under the program description contained in File No. 989-06-A. The cost of the contract or contracts shall not exceed \$2,000,000 and shall be payable from the fund or funds to which are credited the proceeds of the taxes levied under Ordinance No. 1025-A-95, passed June 28, 1995, under terms and conditions as are acceptable to the Director of Law.

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

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

Ord. No. 990-06.

By Council Member Cleveland.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 55th Street to East 55th Street Properties LLC.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 124-12-005, 124-12-006 and 124-12-007, as more fully described below, to East 55th Street Properties LLC.

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

P. P. No. 124-12-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in the Board of Education Allotment of part of Original One Hundred Acre Lot Nos. 331 as shown by the recorded plat in Volume 9 of Maps, Page 32 of Cuyahoga County Records, and being 25 feet front on the Easterly side of East 55th Street, (formerly Wilson Avenue), and extending back 80 feet deep on the Northerly line, 89 feet 1-1/10 inches deep on the Southerly line, and being 26 feet 7-1/5 inches wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 124-12-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in the Board of Education Allotment of part of Original One Hundred Acre Lot No. 331 as shown by the recorded plat in Volume 9 of Maps, Page 32 of Cuyahoga County Records, and being 25 feet front on the Easterly side of East 55th Street (formerly Wilson Avenue), 89 feet 1-1/10 inches deep on the Northerly line, 98 feet 2-1/6 inches deep on the Southerly line and 26 feet 7-1/5 inches wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 124-12-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 90 feet of Sublot No. 18 and the Westerly 90 feet of the Northerly 5 feet of Sublot No. 17 in the Board of Education Subdivision of part of Original One Hundred Acre Lot No.

331, as shown by the recorded plat in Volume 9 of Maps, Page 32 of Cuyahoga County Records, and together forming a parcel of land 55 feet front on the Easterly side of East 55th Street, and extending back of equal width 90 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 991-06.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2246-05, passed December 5, 2005, relating to the sale of real property as part of the Land Reutilization Program and located on Holmden Avenue to First Interstate Development Company Ltd.

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. 2246-05, passed December 5, 2005, are amended to read as follows:

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Holmden Avenue to First Interstate Development **Company Ltd.**

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 008-14-054 and 008-14-055, as more fully described below, to First Interstate Development **Company Ltd.**

Section 2. That the existing title and Section 1 of Ordinance No. 2246-05, passed December 5, 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.

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

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.

Whereas, the Department of Community Development desires to transfer certain property under its control to the Department of Economic Development; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the property to be transferred will become a component of the City of Cleveland's industrial land reutilization program, and, as such, will be regulated by Chapter 5722 of the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, regarding acquisition and disposition of the property; and

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

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

Section 1. That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to transfer the following described property to the control, possession, and use of the Department of Economic Development:

Parcel No. One:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 12, and bounded and described as follows: Beginning on the center line of Detroit Avenue, N. W., (66 feet wide), at its point of intersection with the Northerly prolongation of the Easterly line of land conveyed to The Schafer — Suhr Coal Company by deed dated March 24, 1916, and recorded in Volume 1784, Page 279 of Cuyahoga County Records;

Thence Easterly along said center line of Detroit Avenue, N W, about 365 feet to the Northwesterly corner of land conveyed to The Citizens Savings and Trust Company of Cleveland, Ohio, by deed dated October 7, 1920, and recorded in Volume 2432, Page 231 of Cuyahoga County Records;

Thence Southerly along the Westerly line of land so conveyed to The Citizens Savings and Trust Company of Cleveland, Ohio about 588-64/100 feet to the most Easterly corner of land conveyed to The New York, Chicago & St. Louis Railroad Company by deed dated August 13, 1917, and recorded in Volume 1955, Page 637 of Cuyahoga County Records;

Thence Northwesterly along the Northeasterly line of land so conveyed to The New York, Chicago & St. Louis Railroad Company and along the Northeasterly line of the First Parcel of land conveyed to The New York, Chicago & St. Louis Railroad Company by deed dated October 18, 1917, and recorded in Volume 2053, Page 120 of Cuyahoga County Records, about 271-24/100 feet to the most Easterly corner of land conveyed to The Ohio Body & Blower Company by deed dated January 27, 1925, and recorded in Volume 3205, Page 593 of Cuyahoga County Records;

Thence Westerly along the Southerly line of land so conveyed to The Ohio Body & Blower Company about 84-28/100 feet to an angle; thence Northwesterly along said Southerly line about 12-76/100 feet to the Easterly line of land so conveyed to The Schafer — Suhr Coal Company;

Thence Northerly along said Easterly line of land so conveyed to the Schafer-Suhr Coal Company and along the Northerly prolongation thereof to the place of beginning, be the same more or less.

EXCEPTING THEREFROM the following parcel of land:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Brooklyn Township, Lot No 12 and bounded and described as follows: Beginning on the center line of Detroit Avenue N. W., 66 feet in width at the Northwesterly corner of land conveyed to Standard International Corporation by deed dated June 24, 1968 and recorded in Volume 12336, Page 403 of Cuyahoga County Records;

Thence South 00 deg. 05' 52" East along the Westerly line of land so conveyed to Standard Inter-

national Corporation 588.46 feet to a stone monument at the Easterly corner of land conveyed to The New York, Chicago & St. Louis Railroad Company by deed dated August 13, 1917, and recorded in Volume 1995, Page 637 of Cuyahoga County Records;

Thence North 82 degrees 05' 35" West along the Northerly line of land so conveyed to The New York, Chicago & St. Louis Railroad Company and along the Northerly line of land conveyed to The New York, Chicago and St. Louis Railroad Company by deed dated October 18, 1917 and recorded in Volume 2053, Page 120 of Cuyahoga County Records, a distance of 83.94 feet to an iron pin; thence North 00 degrees 15' 50" West, 567.16 feet to a point in the center line of aforementioned Detroit Avenue N. W., from which point an iron pin located in the Southerly line of Detroit Avenue N.W bears South 00 degrees 15' 50" East, 33.20 feet;

Thence North 83 degrees 26' 00" East along the center line of Detroit Avenue, N.W. 85.31 feet to the place of beginning, containing 45,688 square feet of land (1.0489 Acres) exclusive of 2,814 square feet (0.0646 Acres) lying within the Southerly one half of Detroit Avenue N.W., be the same more or less.

Parcel No. Two

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being that part of Original Brooklyn Township Lot No. 12, which is bounded and described as follows; The beginning point is at a stone monument in the Southerly line of Detroit Avenue N W, (66 feet wide) at its intersection with the westerly line of a parcel of land conveyed by William S. Curtis to Frederick J. Mc Wade by deed recorded in Volume 211, Page 156 of said County Deed Records.

Course 1: Thence Southerly along the Westerly line of said land conveyed to William J. Mc Wade, 469.52 feet to a stone monument at the Northeasterly corner of a parcel of land conveyed by The Schafer-Suhr Coal Company to Frank B. Carpenter by deed recorded in Volume 1792, Page 348 of said County Deed Records;

Course 2: Thence Westerly along the Northerly line of said land conveyed to Frank B. Carpenter, 189.02 feet to a stone monument at the Northwesterly corner of said land conveyed to Frank B. Carpenter. Said stone monument being also in the Easterly line of a parcel of land conveyed by William S. Curtis to Wilbur S. Bailey by deed recorded in Volume 1266, Page 101 of said County Deed Records;

Course 3: Thence Northerly along the Easterly line of said land conveyed to Wilbur S. Bailey and its Northerly prolongation, said Northerly prolongation being also the Westerly line of a parcel of land conveyed by Wilbur S. Bailey to William S Curtis by deed recorded in Volume 1266, Page 100 of said County Deed Records, 378.64 feet to its intersection with the Southerly line of Detroit Avenue, N.W.;

Course 4: Thence Easterly along the Southerly line of Detroit Avenue, N.W., 176.46 feet to the beginning point.

EXCEPTING THEREFROM the following described parcel of land:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being a parcel of Original Brooklyn Township Lot No. 12, now in said City, and bounded and described as follows: Beginning at the northwesterly corner of the parcel of land conveyed by The Schafer-Suhr Coal Company to Frank B. Carpenter by warranty deed dated April 15, 1916 and recorded in Volume 1792, Page 348 of Cuyahoga County Records, and running:

Thence Southeasterly 188.93 feet, more or less, along the Northerly line of the above-described parcel;

Thence Northerly at an angle of 67 degrees 47' 30" with the preceding course, 13.55 feet more or less;

Thence North westerly and at an angle of 109 deg. 53' with the preceding course, 186 feet, more or less;

Thence Southerly at an angle of, 70 deg. 3' 30" with the preceding course 5.4 feet to the place of beginning, be the same more or less.

Parcel No. Three

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 12 in Township Seven (7) North, Range Thirteen (13) West, and being more particularly bounded and described as follows: Commencing at the point of intersection of the Southerly line of Detroit Avenue, sixty-six (66) feet wide as originally established, and the Easterly line of West 96th Street, sixty (60) feet wide as originally established, said point being marked by an iron pin:

Thence Southerly, along said Easterly line of West 96th Street, a distance of one hundred sixty-two and fifty-two one hundredths (162.52) feet, more or less, to the Northwesterly corner of a parcel of land conveyed as Premises No 4 by The Union Trust Company to The New York, Chicago and St Louis Railroad Company by deed dated October 1, 1930, recorded in Volume 3984, Pages 246-309 of Cuyahoga County Deed Records, said point being the principal point of beginning;

Thence Southeasterly deflecting to the left, eighty-one deg. Twenty-eight minutes thirty seconds (81 deg. 28' 30"), along the Northerly boundary of said parcel of land conveyed by The Union Trust Company, a distance of two hundred twenty-seven and ninety-five one-hundredths (227.95) feet to a point that is one hundred eight and fifty-six one-hundredths (108.56) feet Northerly by right angle measurement, from the Southwesterly boundary of said parcel of land conveyed by The Union Trust Company;

Thence continuing Southeasterly, deflecting to the right thirteen degrees twenty five minutes twenty-seven seconds (13 deg 25' 27"), along the Northeasterly boundary of said parcel of land conveyed by The Union Trust Company, a distance of one hundred sixty-two and eighty one-hundredths (162.80) feet, more

or less, to a point that is the North-easterly corner of said parcel of land conveyed to The Union Trust Company;

Thence Southerly, deflecting to the right, sixty-seven degrees forty-four minutes forty seconds (67 deg. 44' 40"), along the Easterly boundary of said parcel of land conveyed by The Union Trust Company, a distance of sixty three and fifty-three one-hundredths (63.53) feet, more or less, to a point;

Thence: Northwesterly, deflecting to the right one hundred nine degrees fifty-eight minutes twenty-three seconds (109 deg. 58' 23"), a distance of twenty-eight and ninety-two one hundredths (28.92) feet to a point;

Thence continuing Northwesterly, deflecting to the right one degree twenty-one minutes thirty seconds (1 deg. 21' 30"), a distance of three hundred seventy-four and twenty-two one-hundredths (374.22) feet, more or less, to a point in said Easterly line of West 96th Street;

Thence: Northerly, deflecting to the right sixty-eight degrees fifty-eight minutes thirty seconds (68 deg. 58' 30"), along said Easterly line of West 96th Street, a distance of thirteen and sixty-seven one-hundredths (13.67) feet, more or less, to the principal place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

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

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.

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 amendment to Contract No. 63915 with URS Corporation - Ohio to provide additional services necessary to complete Phase II of the Midland Steel project.

Section 2. That the Director of Economic Development is further authorized to amend the contract referenced above for URS Corporation - Ohio to provide technical analysis and environmental oversight of the demolition and the remediation of the soil, groundwater, and building materials of the former Midland Steel property located at 10615 Madison Avenue.

Section 3. That the Director of Economic Development 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 security and to perform maintenance at the Midland Steel site located at 10615 Madison Avenue after the property transfer to City ownership.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Economic Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Economic Development for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

Section 4. That the cost of the contract or contracts and contract amendment authorized by this ordinance shall be paid from Fund No. 17 SF 652 and from the fund or funds to which are credited any US EPA, Ohio EPA, or Ohio Department of Development grant funds accepted for this purpose, Request No. 171501.

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

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

Ord. No. 1000-06.

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

An emergency ordinance authorizing the Director of Port Control to enter an amendment to the Amended and Restated Food and Beverage Concession Agreement No. 33958 with Host International, Inc. for the continuation of food and beverage services at Cleveland Hopkins International 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 Director of Port Control is authorized to enter into an amendment to the Amended and Restated Food and Beverage Concession Agreement No. 33958 with Host International, Inc. to extend the term of the existing contract for an additional three years in order to continue to provide food and beverage services at Cleveland Hopkins International Airport without interruption under terms substantially similar to those contained in the draft modification to the Concession Agreement in File No. 1000-06-A.

Section 2. That the amendment will 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

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.

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 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1523-03, passed August 13, 2003, is amended to read as follows:

Section 623.13 Notices or Signs on Public Property Prohibited; Removal

(a) No person shall stick, post or attach any notice, advertisement, poster, sign, handbill, or placard of any kind or description on any telegraph, telephone, railway or electric light poles within the limits of the City, or on any bridge, public building, voting booth, flagging, curb-

stone, walk, step stone, or sidewalk, or write, print, or impress or in any manner attach any notice, advertisement, poster, sign, handbill, or placard of any kind or description on any public building, bridge, voting booth, flagging, curbstone, step stone, or sidewalk, the property of the City or within the street lines of the City, or over which the City has the care, custody, or control, except as may be required by the laws of the State or City ordinances. The prohibitions of this ordinance include the placing of building numbers on curbs.

(b) All notices, advertisements, posters, signs, handbills, or placards of any kind or description in violation of this section shall be removed by the department or division which has the care, custody, or control of the City property where the violation is found and the director of the appropriate department shall charge the responsible party **fifty dollars (\$50.00)** to cover the cost of removal. It shall be the duty and power of the directors of the departments and of the commissioners of the divisions of the City to carry out the mandate of the preceding sentence with regard to City property under their care, custody, or control.

(c) Whoever violates this section is guilty of unauthorized placing of notices or signs on public property, a minor misdemeanor.

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

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

Ord. No. 1003-06.

By Council Member Dolan.

An emergency ordinance to amend Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 955-05, passed June 6, 2005, relating to the disposal of used tires; reporting.

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 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 955-05, passed June 6, 2005, is amended to read as follows:

Section 551.38 Disposal of Used Tires; Reporting

(a) **Registration.** No person, firm, or corporation shall accept for disposal more than five (5) automobile, truck, motorcycle, or bicycle tires in any one calendar month in any one year unless and until the person, firm, or corporation has registered with the Commissioner of Assessments and Licenses as a source of waste tires. The Commissioner of Assessments and Licenses shall fur-

nish a registration form for the purposes of the registration, and, upon the payment of a fee of one hundred dollars (\$100.00), shall issue a certificate of registration, which may apply to all locations at which the registrant does business. Registrations shall be renewed annually. The form for registration shall contain the name and address of the registrant, and if a partnership, the names and addresses of all partners, and if a corporation, the name of the corporation and the names and addresses of the officers and the statutory agent and shall contain additional information as deemed necessary by the Commissioner of Assessments and Licenses. Copies of all certificates of registration issued by the Commissioner of Assessments and Licenses shall be provided to the Commissioner of Environment.

(b) **Reporting. Except as provided in this section, all persons, firms, or corporations registered under division (a) of this section shall report tire disposal activity to the Commissioner of Environment by submitting a monthly tire disposal report to the Commissioner of Environment on a form promulgated by the Commissioner for that purpose. The monthly tire disposal report form shall contain the date and time that tires were hauled off the registrant's premises during the previous month. The form shall also require disclosure of the identity of each waste hauler transporting tires off the registrant's premises, and the license tag number of each truck used to transport tires off the registrant's premises. The monthly tire disposal report form shall cover a calendar month and be submitted to the Commissioner of Environment no later than ten (10) days after the last date of the calendar month in question.**

(c) **If a person, firm or corporation operating a repair garage as defined in Section 325.30 disposes of its tires exclusively by contract with a tire disposal entity licensed as a scrap tire transporter with the State of Ohio, and a copy of the contract is filed with the Commissioner of Assessments and Licenses with the registration required under division (a) above, then the person, firm, or corporation is not required to report as required in division (b) above.**

(d) No person, firm, or corporation who disposes of tires shall fail to register as a source of waste tires as provided in division (a) of this section, or fail to submit monthly tire disposal report forms to the Commissioner of Environment as provided in division (b) of this section, or fail to provide complete information required by the forms.

(e) No person, firm, or corporation shall engage another for the purpose of hauling waste tires unless the waste hauler is licensed under Section 551.19 et seq. of this chapter.

(f) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree.

Section 2. That existing Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 955-05, passed June 6, 2005, is repealed.

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

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

Ord. No. 1004-06.

By Council Member Dolan.

An emergency ordinance to amend Section 657.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to registration of motor vehicle repair persons; fee; renewal.

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 657.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is amended to read as follows:

Section 657.05 Registration of Motor Vehicle Repair Persons Fee; Renewal

(a) No motor vehicle repair person shall perform repairs without regis-

tering with the Director under this section.

(b) **Except as provided in this section, every motor vehicle repair person desiring to perform repairs within the City shall apply to the Director for a certificate of registration on forms prescribed by the Director. The forms shall include:**

(1) The name, address, phone number, birth date, and social security number of the motor vehicle repair person;

(2) The principal occupation and place of business of the motor vehicle person for the five (5) years immediately before the date of the application;

(3) The name of the repair facility where the motor vehicle repair person is employed; and

(4) Any other related information at the Director requires.

(c) The annual registration fee for a motor vehicle repair person shall be twenty dollars (\$20.00). On receipt of a completed application and the annual fee, the Director shall issue a certificate of registration which, regardless of the date issued, shall cover the period of July 1 to June 30.

(d) **A new motor vehicle dealer, as defined in Section 686C.02, may submit one registration for all of its motor vehicle repair persons, which registration shall include a copy of the manufacturer's repair certification for each motor vehicle repair person who performs motor vehicle repairs for the new motor vehicle dealer and which shall also include the name, birth date and social secu-**

rity number for each repair person. The annual registration fee for registration under this division shall be twenty dollars (\$20.00) per repair person and shall cover the period of July 1 to June 30. The new motor vehicle dealer shall submit to the City the manufacturer's repair certification for any repair person hired during the registration period and pay the appropriate fee. Motor vehicle repair persons who are registered under this division (d) may not perform repairs without the registration required in (b) above, unless those repairs are performed solely for the new motor vehicle dealer who registers under this section.

(e) The certificate of registration issued under this section shall be permanently and conspicuously displayed at the location where the motor vehicle repair person performs repairs.

Section 2. That existing Section 657.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is repealed.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 1002-06.

By Council Member Cummins.

An ordinance changing the Use and Area Districts of properties located on the north side of Spring Road, south of Gino Lane, and on the east side of Jennings Freeway from a One Family Residential District and an 'A' Area District to a General Industry District and a 'B' Area District (Map Change No. 2157, Sheet No. 6).

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

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

Beginning at the most northerly corner of Sublot 77 in the Skyview Subdivision No. 1 as shown by the recorded plat in Volume 190, Page 66 and 67 of Cuyahoga County Map Records, at its intersection with the southwesterly line of P.P.N. 009-34-007 as conveyed to Connell Limited Partnership by Deed dated April 3rd 1987 and recorded in Volume 87-2051, Page 45 of Cuyahoga County Records; thence northwesterly along the southwesterly line of said P.P.N 009-34-007 to its intersection with the southerly line of P.P.N. 009-33-022 as conveyed to Bradley Road Inc. by deed dated August 9, 2001 and recorded in Auditor's File Number 200108090571 of Cuyahoga County Records; thence westerly along the southerly of said P.P.N 009-33-022 and its westerly prolongation to its intersection with the centerline of State Route 176 (Jennings Freeway); thence southerly along the centerline of said State Route 176 to its intersection with the centerline of Spring Road/Hinckley Industrial Parkway; thence easterly along said centerline of Spring Road to its intersection with the centerline of the Spring Road Connector (60 feet wide); thence easterly along said centerline of Spring Road Connector to its intersection with the westerly subdivision line of said Skyview Subdivision No. 1; thence northerly along said westerly subdivision line to the place of beginning;

and as shaded on the attached map is changed to a General Industry District and a 'B' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be conditioned upon a site development plan, including a map and accompanying narrative material submitted and approved in accordance with Section 333.02 of the Codified Ordinances.

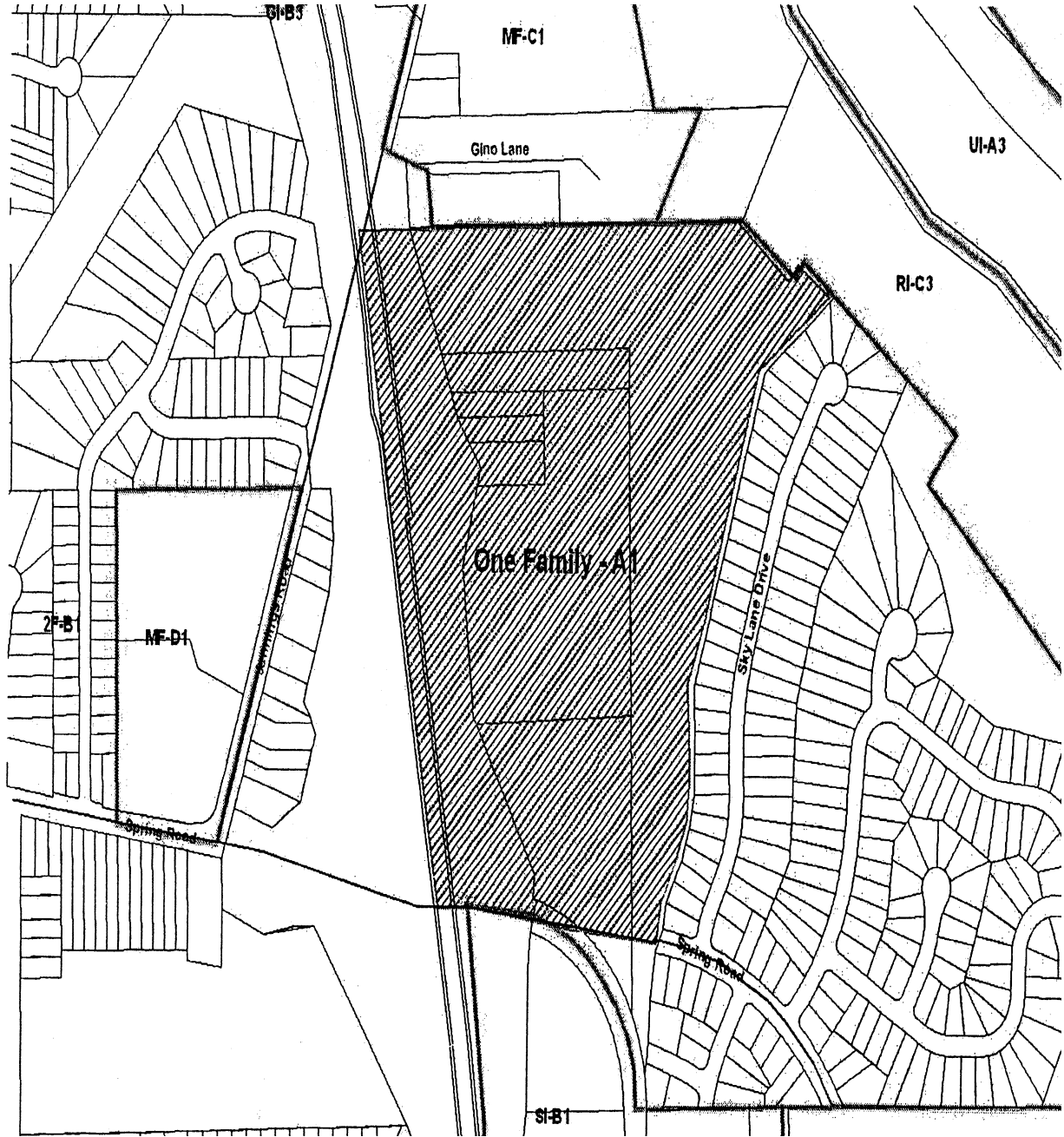
Section 3. That no Building Permit shall be issued within the area described in Section 1 without approval by the City Planning Commission. The City Planning Commission shall review all permit applications on the basis

of the approved site development plan, including a map and accompanying narrative materials, as well as in accordance with general principles of site planning and architectural design.

Section 4. That, thirteen (13) years from the effective date of the Zoning Map amendment, the zoning will automatically revert to the classification that existed prior to the approval of said Zoning Map amendment.

Section 5. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2157, Sheet No. 6, and shall be made upon the Building Zone Maps of the City of Cleveland, along with a notation regarding the "site development plan;" and that the site plan and accompanying narrative shall be contained in File No. 1002-06-A 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 6. 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
RESOLUTIONS REFERRED**

Res. No. 994-06.

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

An emergency resolution declaring the intent to vacate a portion of Hamilton Court N.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Hamilton Court N.E., as described; 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 this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Hamilton Court N.E. (16.5 feet wide) extending Easterly from the Easterly Right of Way of East 38th Street (99 feet wide) to the Westerly Right of Way of East 40th Street (99 feet wide).

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

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

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

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.

Whereas, in Resolution No. 2372-04, adopted February 28, 2005, this Council declared 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 in accordance with plans, specifications and profiles; and

Whereas, by Ordinance No. 15-06, passed February 13, 2006, Council declared that the City shall bear seventy percent of the costs of the improvements; and

Whereas, because of unforeseen circumstances and design changes, it is necessary to alter the plans, specifications and profiles for certain properties; 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 Section 5 of Resolution No. 2372-04, adopted February 28, 2005, as amended by Ordinance No. 15-06, passed February 13, 2006, is amended to read as follows:

Section 5. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessments shall be based on the estimated cost of the improvement under the plans and specifications and profiles contained in File No.

999-06-A in the office of the Clerk of Council and kept available for public inspection.

Section 2. That existing Section 5 of Resolution No. 2372-04, adopted February 28, 2005, as amended by Ordinance No. 15-06, passed February 13, 2006, is repealed.

Section 3. That Section 3a of Ordinance No. 2372-04, adopted February 28, 2005, as enacted by Ordinance No. 15-06, passed February 13, 2006, is amended to read as follows:

Section 3a. That the assessments levied under this resolution shall not exceed the lesser of: the limitations set forth in Section 158 of the Charter; and the estimated cost to construct the assessment set forth under the title "30% Assessment following value engineering" on the vault assessment computations document contained in **File No. 999-06-A**, in the office of the Clerk of Council.

Section 4. That existing Section 3a of Ordinance No. 2372-04, adopted February 28, 2005, as enacted by Ordinance No. 15-06, passed February 13, 2006, is repealed.

Section 5. That after filing the revised estimated assessments in the Office of Clerk of Council, in cases of material changes and plans, specifications and profiles, the Commissioner of Assessments and Licenses is authorized and directed to cause notice of passage of this Resolution and of the filing of the estimated assessments to be served on the owners of affected lots and lands to be assessed in the manner provided by law.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

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.

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

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

Ord. No. 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.

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

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

**Ord. No. 1005-06.
By Council Member Reed.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement 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.

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

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

**Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 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.

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

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

Res. No. 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.

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

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

Res. No. 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.

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

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

Res. No. 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.

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

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

Res. No. 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.

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

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

Res. No. 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.

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

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

Res. No. 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.

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

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

Res. No. 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 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

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, Cleve-

land, 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.

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

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

Res. No. 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 preserva-

tion 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.

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

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

Res. No. 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 rea-

sonable 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.

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

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

Res. No. 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.

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

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

Res. No. 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.

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 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.

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

Development, Finance; when amended as follows:

1. In Section 1, at the end, insert **"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."**

2. In Section 2, line 2, after "(NDIF Repayments), strike "and" and after "(SBRL)" strike the period and insert **"and 12 SF 954 (EDA)"**.

3. In Section 3, after "10 SF 502," strike "and 17 SF 005" and insert **"17 SF 005, and 12 SF 958 (EDA)"**.

4. Insert new Section 5 to read as follows:

"Section 5 That the Director of Economic Development shall provide quarterly reports to the Clerk of Council on the projects authorized under this ordinance."

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

Amendments agreed to.

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

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

Ord. No. 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; and authorizing the director to enter into one or more contracts with Mincom, Inc. to provide professional services for software, including installation, configuration, testing, and for upgrades, maintenance and technical support for software for a period not to exceed one year.

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

1. In the title, line 6, after "devices" insert **"/tough notebooks; to upgrade and configure the existing Ellipse software";** in line 8, after "software," insert **"and hardware";** and in line 10, after "upgrades," insert **"training,"**

2. In Section 1, line 5, after "devices" insert **"/tough notebooks";** in line 6, after "required," insert **"to upgrade and configure the existing ellipse software to the most current version,"**

3. In Section 2, line 3, after "software" insert **"and hardware required per proposal";** in line 4, after "upgrades," insert **"training,"**; and in line 5, after "for the" insert **"Division of Water Pollution Control,"**

Amendments agreed to.

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

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

Ord. No. 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.

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

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

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.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Legislation, Finance; when amended as follows:

1. In Section 1, at amended Section 171.03, strike lines 7 and 8 in their entirety and insert **"examinations or testing of City of Cleveland employees and applicants. The cost of the contract or contracts"**.

Amendment agreed to.

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

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

Ord. No. 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.

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

1. In Section 2, at amended Sections 535.04(a) and 535.06, delete the column entitled "2011".

2. In Section 2, at amended Section 535.04(a), under "Cleveland", at "Quarterly Service Charge", in the column entitled "2007", strike "7.50" and insert **"7.00"**; in the column enti-

ted "2008", strike "7.75" and insert "7.00"; in the column entitled "2009", strike "8.00" and insert "7.00"; and in the column entitled "2010", strike "8.25" and insert "7.00".

3. In Section 2, at amended Section 535.04(a), under "Direct Service Suburbs", at "Low 1st High Service", at "Quarterly Service Charge", in the column entitled "2007", strike "7.50" and insert "7.00"; in the column entitled "2008", strike "7.75" and insert "7.00"; in the column entitled "2009", strike "8.00" and insert "7.00"; and in the column entitled "2010", strike "8.25" and insert "7.00".

4. In Section 2, at amended Section 535.04(a), under "Direct Service Suburbs", at "2nd High Service", "Quarterly Service Charge", in the column entitled "2007", strike "7.50" and insert "7.00"; in the column entitled "2008", strike "7.75" and insert "7.00"; in the column entitled "2009", strike "8.00" and insert "7.00"; and in the column entitled "2010", strike "8.25" and insert "7.00".

5. In Section 2, at amended Section 535.04(a), under "Direct Service Suburbs", at "3rd High Service (Summit County, all; Medina County, all; Geauga County, all)", "Quarterly Service Charge", in the column entitled "2007", strike "7.50" and insert "7.00"; in the column entitled "2008", strike "7.75" and insert "7.00"; in the column entitled "2009", strike "8.00" and insert "7.00"; and in the column entitled "2010", strike "8.25" and insert "7.00".

6. In Section 2, at amended Section 535.05(b), lines 2 and 3, strike "ten percent (10%)" and insert "twenty percent (20%)".

7. In Section 2, at amended Section 535.06, delete divisions (q), (r), and (s) in their entirety, and re-letter divisions "(t)" and "(u)" to new divisions "(q)", and "(r)".

8. In Section 2, at amended Section 535.24, line 1, after "Charges for Water from Fire Hydrants" insert "**Private Fire Line Systems, and Other Unmetered Sources**"; in division (a), line 1, after "hydrant," insert "**a private fire line system, or any other unmetered source**"; in line 2, after "rental" insert "**if applicable**"; in division (b), line 1, after "hydrant" insert "**a private fire line system, or any other unmetered source**"; and in line 3, after "hydrant", insert "**private fire line system, or other unmetered source**".

9. Insert new Sections 5 and 6 to read as follows:

"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."

10. Renumber existing Sections 5 and 6 to new "Section 7" and "Section 8".

Amendments agreed to.
The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

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

Those voting nay: Council Member Polensek.

Absent: Council Members Coats and Westbrook.

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. 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.

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

1. In Section 2, at amended Section 543.02 and at amended Section 543.03, delete the column entitled "2011" from both sections.

Amendment agreed to.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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, Department of Public Safety.

Approved by Secretary to Civil Service Commission, Directors of Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. In the title, line 6; and in Section 1, line 6, after "Fire," insert **"and promotional examinations for the Division of Police"**.

2. In Section 1, at the end of the second paragraph, add the following: **"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."**

Amendments agreed to.

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

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

Ord. No. 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, instal-

lation, 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.

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

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

Ord. No. 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.

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

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

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.

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

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

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.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 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.

Approved by Directors of Community Development, Community Relations, Parks, Recreation and Properties, Finance, Law; Relieved of Committee on Public Parks, Property and Recreation; Passage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

Ord. No. 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.

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

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

LAID ON THE TABLE**Ord. No. 943-06.**

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 United States Conference of Mayors for the Cities for United Science Progress Program; to enter into one or more contracts with various agencies, entities or individuals; and authorizing the director to enter into one or more requirement contracts necessary to implement the grant.

Without objection, Ordinance No. 943-06 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 943-06 laid on the table.

Council Member Coats entered the meeting.

MOTION

By Council Member Dolan, seconded by Council Member Johnson and unanimously carried, that the absence of Council Member Jay Westbrook, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:11 p.m. to meet Monday, June 12, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

ORDINANCE**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 the team's practice facilities to a new complex to be located in Independence, Ohio.

Whereas, the Cleveland Cavaliers have announced plans to relocate the team's practice facilities to a new complex to be located in the City of Independence; and

Whereas, the Mayors of Cleveland and Independence have announced their intention to work cooperatively when business enterprises relocate from one city to the other city; and

Whereas, the Mayors intend to share the future municipal tax revenue collected from the income of Cavaliers players and **coaches** that is currently taxed by the City of Cleveland, including but not limited to salaries, wages, payroll, bonuses and incentive payments ("salaries, wages and bonuses"); and

Whereas, in furtherance of this spirit of cooperation, the Mayors have proposed that the two cities equally share the municipal income tax revenue to be paid on the salaries, wages and bonuses of the players and **coaches** of the Cleveland Cavaliers upon the operation of a practice facility for the Cleveland Cavaliers in Independence; 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 Mayor is authorized to enter into an agreement with the City of Independence for the purpose of equally sharing the income tax revenue to be paid on the salaries, wages and bonuses of the players and **coaches** of the Cleveland Cavaliers upon the operation of a practice facility for the Cleveland Cavaliers in Independence, **provided that the agreement will be re-negotiated if the Cavaliers move their financial, accounting, sales, marketing, or executive business staffs to the new practice facility.**

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.

BOARD OF CONTROL

May 31, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 31, 2006, at 10:30 a.m. with Mayor Jackson presiding.

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

Absent: None.

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. 207-06.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1922-02, passed on December 16, 2002, Plante & Moran, PLLC is selected from a list of firms determined, after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to provide professional services necessary to identify, assess, and define functional requirements and specifications to develop a Request for Proposal for either upgrading or replacing the City's current Financial Management Information System, and to assist in evaluating and making recommendations for alternative long-term solutions to address the City's financial management functional and technical requirements.

Be it further resolved that the Director of Finance is requested to enter into a written contract with Plante & Moran, PLLC, based upon its Response to the Request for Proposal and Statement of Work dated November 14, 2005, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services substantially as proposed in the Response to the Request for Proposal and Statement of Work for an aggregate fee not to exceed \$136,800, and shall contain such other provisions as the Director of Law considers necessary to protect and benefit the public interest.

Be it further resolved that employment of the following sub-consultants by Plante & Moran, PLLC under the contract authorized above is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
RNR Consulting (MBE)	41.7% \$57,060
Solar Systems Networking (FBE)	4.6% \$ 6,340

Yeas: Mayor Jackson, Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director Szabo, Director Wasik, Interim Director

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

Nays: None.

Absent: None.

Resolution No. 208-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1868-05, passed by the Council of the City of Cleveland on January 23, 2006, RNR Consulting, is selected upon the nomination of the Director of Public Utilities from a list of consulting firms determined, after a full and complete canvass by the Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland in order to provide professional services necessary to develop a five-year business strategy plan for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is requested to enter into a written contract with RNR Consulting, based upon its proposal dated March 17, 2006, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as contained in the proposal and shall contain the terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the work shall commence upon execution of the contract and shall further provide that the aggregate fee will not be in excess of \$475,250.00.

Be it further resolved that the employment of the following subcontractors to RNR Consulting, is approved:

<u>SUB-CONTRACTOR</u>	<u>AWARD</u>
Mid-American Consulting Group (MBE)	\$56,250.00 (11.84%)
SRA Communications (FBE)	\$67,320.00 (14.17%)
Bricker & Eckler LLP	\$60,000.00 (12.62%)

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

Nays: None.

Absent: Director Dumas.

Resolution No. 209-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 668-05, adopted November 30, 2005 and Resolution No. 161-06, adopted May 10, 2006, under the authority of Ordinance No. 814-05, passed by the Council of the City of Cleveland on June 6, 2005, approving Manufacturing Advocacy & Growth Network Inc. as the firm to be employed by contract to develop and implement a

comprehensive Human Resources Enhancement Plan (HREP), for the Division of Water, Department of Public Utilities, are amended by increasing the subcontract dollar amount for MWH, Inc. from \$8,250.00 (2.36%) to \$9,500.00 (2.71%).

Be it further resolved that the following subcontractors to Manufacturing Advocacy & Growth Network Inc. are approved:

<u>Subcontractor</u>	<u>Amount Percentage</u>
Seneschal Systems	\$63,000.00 18.00%
SC Management Consultants	\$42,350.00 12.10%
Future Sculpting, Inc.	\$ 7,500.00 2.14%

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

Nays: None.

Absent: Director Dumas.

Resolution No. 210-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Dunlop & Johnston, Inc. for the public improvement of the Nottingham Water Works Plant Administration Building (including a \$473,300.00 contingency allowance), all items, for the Division of Water, Department of Public Utilities, received on March 24, 2006, under the authority of Ordinance No. 2295-04, passed April 18, 2005, upon a gross price for the improvement in the aggregate amount of \$5,277,295.00, 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 Dunlop & Johnston, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Atlas Electric Company (FBE)	\$650,000.00 12.32%
The Coniglio Company (MBE)	\$127,200.00 2.41%
M. Rivera Construction (MBE)	\$150,000.00 2.84%
Coleman Spohn Corporation (MBE)	\$260,000.00 4.93%
Comm Steel, Inc. (MBE)	\$175,900.00 3.33%

Bills Evacuating	\$200,000.00 3.79%
VIP Masonry	\$400,000.00 7.58%
North Coast Concrete	\$300,000.00 5.68%
E. R. Flynn	\$250,000.00 4.74%
Ogrinc Mechanical	\$150,000.00 2.84%

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

Nays: None.
Absent: Director Dumas.

Resolution No. 211-06.

By Interim Director Ciaccia.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Aqua Tech Environmental Laboratories, Inc. for an estimated quantity of laboratory services for water quality analysis (all items) for the Division of Water, Department of Public Utilities, for a period of one (1) year, received on April 7, 2006 under the authority of Ordinance No. 485-96, passed May 6, 1996, which on the basis of the estimated quantity would amount to \$23,745.40, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 163789
which shall be certified against the contract in the sum of \$15,000.00.

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

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

Nays: None.
Absent: Director Dumas.

Resolution No. 212-06.

By Interim Director Mok.
Resolved, by the Board of Control of the City of Cleveland that the bid of B. P. Britches, Inc., d/b/a Christopher's, for the necessary items of required employee uniforms, items 1, 2, 4, 6, 7 and item 5 D, G, K, N, V, X and Y, for the various divisions, Department of Port Control, for a period not to exceed two years beginning with the date of execution of a contract, received on March 8, 2006, under the authority of Ordinance No. 1875-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$239,938.00, is affirmed and approved

as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160483
which shall be certified against the contract in the sum of \$50,000.00.

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

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

Nays: None.
Absent: Director Dumas.

Resolution No. 213-06.

By Interim Director Mok.
Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Uniform, Inc., for the necessary items of required employee uniforms, item 5 A, B, C, E, F, H, I, J, L, O, P, T and W, for the various divisions, Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on March 8, 2006, under the authority of Ordinance No. 1875-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$13,758.75, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160485
which shall be certified against the contract in the sum of \$5,000.00.

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

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

Nays: None.
Absent: Director Dumas.

Resolution No. 214-06.

By Interim Director Mok.
Resolved, by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform Corporation, for the necessary items of required employee uniforms, item 3 and item 5 M, Q, R, S and U, for the various divisions, Department of Port Con-

trol, for a period not to exceed one year beginning with the date of execution of a contract, received on March 8, 2006, under the authority of Ordinance No. 1875-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$22,565.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160484
which shall be certified against the contract in the sum of \$5,000.00.

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

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

Nays: None.
Absent: Director Dumas.

Resolution No. 215-06.

By Director Wasik.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Zoresco Equipment Co. for an estimated quantity of Meyer snow plow and spreader parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on February 15, 2006, under the authority of Ordinance No. 470-04, passed by the Council of the City of Cleveland on April 26, 2004, which on the basis of the estimated quantity would amount to \$50,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 161666
which shall be certified against the contract in the sum of \$5,000.00.

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

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

Nays: None.
Absent: Director Dumas.

Resolution No. 216-06.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Fulton Armature, Inc. for an estimated quantity of various Delco and Leece Neville equipment charging system parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on February 24, 2006, under the authority of Ordinance No. 470-04, passed by the Council of the City of Cleveland on April 26, 2004, which on the basis of the estimated quantity would amount to \$80,000.00 (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 such contract of the following:

Requisition No. 161665

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

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

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

Nays: None.

Absent: Director Dumas.

Resolution No. 217-06.

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland that all bids received on May 5, 2006, for the public improvement of various fire station roof replacements, for the Department of Public Service, under the authority of Ordinance No. 2145-03, passed on February 9, 2004, by the Council of the City of Cleveland, are rejected.

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

Nays: None.

Absent: Director Dumas.

Resolution No. 218-06.

By Director Wasik.

Resolved by the Board of Control of the City of Cleveland that all bids received on December 14, 2005, for the public improvement of the renovations of the main file and office areas, for the Department of Building and Housing, under the authority of Ordinance No. 835-02, passed on June 3, 2002, by the Council of the City of Cleveland, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Director Ciaccia, Acting Director Szabo, Director Wasik,

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

Nays: None.

Absent: Director Dumas.

Resolution No. 219-06.

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Burton Scot Contractors, for the public improvement of St. Clair Avenue Resurfacing Project, for the Division of Engineering and Construction, Department of Public Service, received on May 19, 2006, under the authority of Ordinance No. 193-06, passed by the Cleveland City Council on March 20, 2006, upon a unit basis for the improvement, in the aggregate amount of \$745,336.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Burton Scot Contractors for the above-mentioned public improvement is approved:

The Vallejo Company
(MBE) — \$105,176.00 — (14.11%)

Granger Trucking
(MBE) — \$40,000.00 — (5.37%)

SLP Paving
(FBE) — \$44,173.25 — (5.93%)

Solar Testing
\$10,000.00 — (1.34%)

Pavement Tech
\$25,168.00 — (3.38%)

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

Nays: None.

Absent: Director Dumas.

Resolution No. 220-06.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on May 4, 2006, for an estimated quantity of cab/chassis with 25-cubic yards refuse packer bodies, for the various divisions of City government, under the authority of Ordinance No. 762-05, passed by the Council of the City of Cleveland on May 9, 2005, are rejected.

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

Nays: None.

Absent: Director Dumas.

Resolution No. 221-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Whitmer Company for

an estimated quantity of Pool Chemicals (all items) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period one (1) year beginning with the date of execution of a contract, received on the 3rd day of May 2006, under the authority of Ordinance No. 457-06, passed April 3, 2006, which on the basis of the estimated quantity would amount to \$94,212.00, is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is 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. 166768

which shall be certified against such contract in the sum of \$60,474.00.

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

Nays: None.

Absent: Director Dumas.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, JUNE 19, 2006

9:30 A.M.

Calendar No. 06-85: 1946 St. Clair Avenue (Ward 13)

Ajmal Kazmi, owner, appeals to change an existing two-story brick building from a night club/tavern to a residential use for apartments, situated on a 30' x 140' parcel located in a Semi-Industry District on the south side of St. Clair Avenue at 1946 St. Clair Avenue; contrary to the Area Regulations for any use district, a maximum gross floor area of 3,707 s/f is proposed where one-half the lot area, or 1,260 s/f is the maximum gross floor area allowed, according to the provisions of Section 355.04(b) of the Codified Ordinances.

Calendar No. 06-86: 7421 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7421 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-87: 7427 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7427 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-88: 7407 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to

make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7407 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-89: 7415 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7415 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-90: 7333 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7333 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-91: 7401 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-

story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7401 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-92: 7309 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7309 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-93: 7315 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7315 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-94: 7321 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to ap-

proval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7321 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-95: 7327 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7327 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-96: 7433 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-story building and, subject to approval of a lot split, change use to a single family dwelling on an 28' x 131' lot in a Multi-Family District on the north side of Otis Court at 7433 Otis Court; contrary to Section 355.04, a 3,668 s/f lot is proposed and 4,800 s/f is required and 28' is proposed where the minimum lot width required is 40' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-97: 7301 Otis Court (Ward 5)

Woodland Summit LLC, owner and Tim Goldstein, agent, appeal to make alterations to an existing two-

story building and, subject to approval of a lot split, change use to a single family dwelling on an 18' x 131' lot in a Multi-Family District on the north side of Otis Court at 7301 Otis Court; contrary to Section 355.04, a 2,358 s/f lot is proposed and 4,800 s/f is required and 18' is proposed where the minimum lot width required is 40' and the minimum street frontage required is 25' and contrary to Sections 357.09(b)(2)(C) no interior side yard is proposed and 8' is required and Sections 357.09(b)(2)(B) require that no structure in a Residence District may be within 10' of a residential structure on an adjacent lot. No individual site plan that shows a parking location was provided and one parking space is required, as stated in Section 349.04(a) of the Codified Ordinances.

Calendar No. 06-113: 3004 Carroll Avenue (Ward 13)

Jeffrey Stoner, owner, appeals to erect 9' x 21' two-story, frame addition to an existing single family dwelling, situated on a 30' x 108' parcel located in a Two-Family District on the north side of Carroll Avenue at 3004 Carroll Avenue; contrary to Sections 357.09(2)B and 357.09(2)A the minimum interior side yard provided is 6" where 3' is required and the total width of interior side yards may not be less than 10' and a distance of 3'-1" and 7'-9" is provided where no building may be erected less than 10' from a main building on an adjoining lot; and a rear yard depth of 17'-7" is provided contrary to Section 357.08(2)(b)(1) that requires a 20' rear yard depth; and contrary to Section 355.05, a lot size of 2,730 s/f is provided where the minimum lot size required is 4,800 s/f and the maximum gross floor area exceeds 50% of the lot size, with 2,149 s/f provided where 1,365 s/f is required; and contrary to Section 349.04, no parking space is provided and one space is required; and the existing nonconforming building requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, JUNE 5, 2006

At the meeting of the Board of Zoning Appeals on Monday, June 5, 2006, the following appeals were heard by the Board:

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. 06-80: 19726 Parkmount Avenue

Robert Roberts appealed to install 100 linear feet of 6' high privacy fence in the actual front yard of a triangular parcel in a One-Family district; subject to conditions.

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.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

None.

In Executive Session on June 5, 2006, the following appeals heard by the Board on May 30, 2006 were adopted and approved.

The following appeal was **Approved:**

Calendar No. 06-74: 3200 Franklin Boulevard

James Sosan appealed to change the use from a recreation center to 18 dwelling units and a private health club in a three-story building located in a B1 Two-Family District.

The following appeal was **Denied:**

Calendar No. 06-77: 4512 Stickney Avenue

Luis Fontanez appealed to install 96 linear feet of 4' high chain link fence in the actual front yard of a 50' x 150' parcel in a B1 Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 31, 2006

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

* * *

Docket A-34-06.

RE: Appeal of Edward Lawson, Owner of the Property located on the premises known as 10201 Harvard Avenue from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated April 4, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to abate all the violations on the property, and to require the Appellant to discontinue the business at the location; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-37-06.

RE: Appeal of Zhenghna Gu, Owner of the Property located on the premises known as 13900 Miles Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated March 28, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled in sixty (60) days (July 26, 2006).

* * *

Docket A-38-06.

RE: Appeal of Dan Chambers, Owner of the One Dwelling Unit Single Family Residential Property located on the premises known as 1 Lakeside Avenue from a NOTICE OF EXTERIOR MAINTENANCE, of the Director of the Department of Building and Housing, dated March 23, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to abate the remaining violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion

so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-42-06.

RE: Appeal of City of Cleveland — Burke Airport (Grand Prix of Cleveland), Owner of the Property located on the premises known as 1501 N. Marginal Road from an ADJUDICATION ORDER, of the Director of the Department of Building and Housing, dated May 2, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variances and permit the gap, because of weather conditions, to exceed a quarter of an inch, noting that it will be attempted to be maintained as tight as possible and that various improvements have been made in other areas to ensure an enclosed system. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-47-06.

RE: Appeal of Partners of City-view, Owner of the Property located on the premises known as 6606 Carnegie Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated May 3, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be remain open for any future appeals.

* * *

Docket A-50-06.

RE: Appeal of Rysar Properties, Owner of the Property located on the premises known as 7301-7433 Otis Court from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 4, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required, to allow a common sewer to exist throughout the existing building shared by all tenants, noting that impracticality of separating the sewers and the fact that the documents reflect that all owners will share maintenance of the common sewer. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-51-06.

RE: Appeal of Corvallis Development, Owner of the Property located on the premises known as 710

Jefferson Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated April 10, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No resolution formed at this hearing; the Board will review a suggested resolution to the appealed items on the Adjudication Order and make a motion in two (2) weeks.

* * *

APPROVAL OF RESOLUTION:

Separate motions were entered by Mr. Denk and seconded by Mr. Saunders for Approval and Adoption of the Resolution as presented by the Secretary for the following Docket, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

A-110-06—The Cleveland Museum of Art.

Yeas: Messrs. Denk, Saunders, Bradley. Nays: None. Not Voting: Mr. Saab. Absent: Mr. Gallagher.

* * *

Separate motions were entered by Mr. Saab seconded by Mr. Saunders for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-31-06—Marilyn Moore.
- A-32-06—Edward Lawson.
- A-44-06—Gregory P. Cuiffo.

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

* * *

AMENDED RESOLUTIONS:

Separate motions were entered by Mr. Saab seconded by Mr. Saunders for Approval and Adoption of the Amended Resolution as presented by the Secretary for the following Docket respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

Docket A-41-06 — Alexandra & Charlene Jorge — 3616 Riverside Avenue:

FROM: ... to find that the Appellants notification may not have been received properly because of their circumstances, a motion is in order at this time to grant the Appellants thirty (30) days in which to abate the violations, noting that the inspector is aware of their special circumstances and will judge the results and extend the time as required...

TO: ... to find that the Appellants notification may not have been received properly because of their circumstances, a motion is in order at this time to grant the Appellants thirty (30) days in which to abate

the violations, noting that the inspector is aware of their special circumstances and will judge the results and extend the time as required; the resolution includes the provision that the Appellants may enter upon the adjacent property located at 3620 Riverside Avenue between 8:30 a.m. to 5:30 p.m. to proceed with work required to abate the violations....

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saunders and seconded by Mr. Saab for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

May 17, 2006

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, June 12, 2006
9:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 12, 2006, at 9:00 a.m., to consider the following ordinances now pending in the Council:

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).

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).

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 'I' Height District as shown on the attached map (Map Change No. 2181; Sheet No. 2).

All interested persons are urged to be present or to be represented at the above time and place.

Joseph C. Cimperman
Chairman
Committee on City Planning

May 31, 2006 and June 7, 2006

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, JUNE 14, 2006

Labor and Materials Necessary to Clean the West Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 370-06, passed by the Council of the City of Cleveland, March 20, 2006.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, JUNE 9, 2006 AT 10:00 A.M., WEST SIDE MARKET, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113. (MEET AT THE WEST SIDE LOADING DOCK AT THE EAST END OF THE BUILDING) THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 31, 2006 and June 7, 2006

THURSDAY, JUNE 15, 2006

Cleveland City Hall First Floor Ceiling Repairs, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2143-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JUNE 8, 2006 AT 2:00 P.M., DIVISION OF ARCHITECTURE, 601 LAKESIDE AVENUE, ROOM 517, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

Denison Avenue Resurfacing (From Lorain Road to West 73rd Street), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 606-06, pending.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, JUNE 8, 2006 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 31, 2006 and June 7, 2006

FRIDAY, JUNE 16, 2006

Labor and Materials Necessary to Repair and Maintain Combination Sewer and Catch Basin Cleaners, Including Appurtenances (Vactors) (Re-Bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A MANDATORY PRE-BID MEETING, FRIDAY, JUNE 9, 2006 AT 11:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

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

May 31, 2006 and June 7, 2006

WEDNESDAY, JUNE 21, 2006

Urban Forestry Maintenance Services, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 255-06, passed by the Council of the City of Cleveland, March 20, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JUNE 13, 2006 AT 10:00 A.M., WAREHOUSE CONFERENCE ROOM, 4150 EAST 49TH STREET, BUILDING #6, CLEVELAND, OHIO 44105.

May 31, 2006 and June 7, 2006

FRIDAY, JULY 7, 2006

Electrical Supplies and Equipment, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 2134-05, passed by the Council of the City of Cleveland, April 3, 2006.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 23, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 31, 2006 and June 7, 2006

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 LAKE-SIDE 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 LAKE-SIDE 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

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, June 5, 2006

9:30 a.m.

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

land, Vice Chair; Kelley, Santiago, Conwell, Westbrook, Reed.

11:00 a.m.

Joint-Public Service Committee and Aviation and Transportation Committee: Present in Service: Brady, Chair; Turner, Vice Chair; Cleveland, Polensek, Cummins, White, Reed, Santiago. *Authorized Absence:* Johnson.

Present in Aviation: Kelley, Chair; Westbrook, Vice Chair; Britt, Dolan, Turner, Cleveland. *Authorized Absence:* Brancatelli.

2:00 p.m.

Joint-Public Utilities Committee, Legislation Committee and Finance Committee: Present in Utilities: Zone, Chair; Reed, Vice Chair; Cleveland, Polensek, Cummins, Westbrook, Santiago. *Authorized Absence:* Dolan, Kelley.

Present in Legislation: Cleveland, Chair; Cimperman, Reed, Lewis, White, Pierce Scott. *Authorized Absence:* Dolan, Vice Chair.

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

2:30 p.m.

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

Tuesday, June 6, 2006

9:30 a.m.

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

Wednesday, June 7, 2006

9:00 a.m.

Aviation and Transportation Committee: Present: Kelley, Chair; Brancatelli, Britt, Turner. *Authorized Absence:* Westbrook, Vice Chair; Dolan, Cleveland.

10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Brady, Vice Chair; Britt, Polensek, Coats, Kelley, Cummins, Turner, Santiago.

1:30 p.m.

Public Utilities Committee: Present: Zone, Chair; Reed, Vice Chair; Cleveland, Polensek, Cummins, Dolan, Kelley, Westbrook, Santiago.

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