

# The City Record

Official Publication of the Council of the City of Cleveland



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September the Thirteenth, Two Thousand and Six

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**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. Martines, Law Librarian, Room 100

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

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

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

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

DEPT. OF PORT CONTROL – Ricky D. Smith, Director

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

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

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

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

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
 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 Connolly, Hillary S. Taylor.

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, SEPTEMBER 13, 2006

No. 4840

## CITY COUNCIL

MONDAY, SEPTEMBER 11, 2006

### The City Record

Published weekly by the City Clerk,  
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Address all communications to

**EMILY LIPOVAN**

City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

#### MONDAY—Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 11, 2006

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

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

Also present were Mayor Frank G. Jackson; Ken Silliman, Chief of Staff; Valarie J. McCall, Chief of Government Affairs; Tracy Y. Martin, Chief of Education; Maureen Harper, Chief of Communications; Michael A. House, Press Secretary; Rebecca Schaltenbrand, Legislative Affairs; Directors Triozzi, Dumas, Wasik, Smith, Flask, Cox, Rush, Hutchinson, Reilly, Fumich, Guzman, Brown, Griffin and Interim Directors Ciaccia and Carroll.

Pursuant to Ordinance No. 2926-76, prayer was offered by Minister Janie Whitehead of Progressive Evangelist Temple, located at 11307 Kinsman Avenue in Ward 3. 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 Santiago.

#### COMMUNICATIONS

##### File No. 1484-06.

From Riverside Park Homes, L.P. — general partner — 17800 Par-mount Ave. — new construction rehabilitation project. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 1500-06.

Re: New Application — 5227950 — Lisa M. Dunlap, d.b.a. Dunlap's Marathon, 4810 Bridge Avenue. (Ward 17). Received.

##### File No. 1501-06.

Re: New Application — 7560976 — Rowfant Club, 3028 Prospect Avenue. (Ward 7). Received.

##### File No. 1502-06.

Re: New Application — 5361542 — Luz Urban Groceries, LLC, d.b.a. Luz Urban Groceries, 8000 Lawn Avenue. (Ward 17). Received.

##### File No. 1503-06.

Re: New Application — 73153074282 — Revco Discount Drug Centers, Inc., d.b.a. CVS Pharmacy 4282, 3728 Pearl Road. (Ward 15). Received.

##### File No. 1504-06.

Re: Transfer of Ownership Application — 1977502 — Ronell Murray Davis, d.b.a. Dee and Vee's Beverage, 3314 East 93rd Street. (Ward 5). Received.

##### File No. 1505-06.

Re: Transfer of Ownership Application — 8202241 — 620 Frankfort, LLC, 620 Frankfort Avenue. (Ward 13). Received.

##### File No. 1506-06.

Re: Transfer of Ownership Application — 7315537 — Revir LLC, d.b.a. Riverwalk Cafe, 2nd floor northeast, patio and atrium, 2000 Sycamore Avenue, Unit 121. (Ward 13). Received.

**File No. 1507-06.**

Re: Transfer of Location Application — 24344380001 — Eddie's Mini Mart, Inc. d.b.a. Eddie's Mini Mart, 907 East 105th Street. (Ward 8). Received.

**File No. 1508-06.**

Re: Transfer of Ownership and Location Application — 0075028 — A. G. Investments of Ohio LLC, d.b.a. Time Out Bar and Grill, 3021 West 105th Street. (Ward 18). Received.

**STATEMENT OF WORK  
ACCEPTED**

**File No. 1509-06.**

From the Department of Parks, Recreation and Properties — Contract No. 64316, Mohican Park Site Improvement. Received.

**File No. 1510-06.**

From the Department of Parks, Recreation and Properties — Contract No. 64904, Earle B. Turner Recreation Center Site Improvements. Received.

**File No. 1511-06.**

From Department of Parks, Recreation and Properties — Contract No. 64430, Bump Taylor Football Field Site Improvements. Received.

**File No. 1512-06.**

From the Department of Parks, Recreation and Properties — Contract No. 64706, Kurruish Park Site Improvements. Received.

**File No. 1513-06.**

From the Department of Parks, Recreation and Properties — Contract No. 63569, Lonnie Burten Park Site Improvements. Received.

**File No. 1514-06.**

From the Department of Public Utilities — Contract No. 64334, Cleaning and Lining 2005-Area B — completed and accepted as of June 1, 2006. Received.

**File No. 1515-06.**

From the Department of Public Utilities — Contract No. 62930, Nottingham Flocculation Sediment Residuals. Received.

**OATH OF OFFICE**

**File No. 1516-06.**

Leigh Stevens — oath of office — Commissioner of Parking Facilities. Received.

**PLATS**

**File No. 1517-06.**

Valleyview Homes Hope VI Subdivision Phase One. (Ward 13). Referred to Committees on Public Service and City Planning.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1518-06** — Patrol Officer Jonathan Schroeder.

**Res. No. 1519-06** — Masumi Hayaishi.

**Res. No. 1520-06** — Ruth Lee Gamble.

**Res. No. 1521-06** — Mattie Mae Spain.

**Res. No. 1522-06**—Ruth Ketteringham.

**Res. No. 1523-06**—Jean L. Prater.

**Res. No. 1524-06** — Gwendolyn Potts.

**Res. No. 1525-06** — Kenneth E. Robinson.

**Res. No. 1526-06**—Alma Elizabeth Landrum.

**Res. No. 1527-06** — Walter F. Kuder, Jr.

**Res. No. 1528-06** — Theresa Worship.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 1529-06**—West Side Irish-American Club.

**Res. No. 1530-06**—James F. Majer.

**Res. No. 1531-06**—Gaither Marsella Rodgers.

**Res. No. 1532-06**—Leola Bates.

**Res. No. 1533-06**—Unity Faith Missionary Baptist Church.

**Res. No. 1534-06**—Mt. Gillion Baptist Church.

**Res. No. 1535-06**—Southwest Citizens Area Council.

**Res. No. 1536-06** — St. Helena's Church.

**Res. No. 1537-06** — Buckeye Area Development Corporation.

**Res. No. 1538-06**—West Side Ecumenical Ministry.

**Res. No. 1539-06**—Herman Boone.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 1540-06** — Rebecca Stitt-Fuller.

**Res. No. 1541-06**—Mario Kavcic.

**Res. No. 1542-06** — Kids In Need Foundation.

**Res. No. 1543-06**—Greater Cleveland Habitat For Humanity.

**APPRECIATION RESOLUTIONS**

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

**Res. No. 1544-06**—Vermel Whalen.

**Res. No. 1545-06** — Elder Thomas W. Moore.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 1437-06.**

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

**An emergency ordinance to amend Section 676.04 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to junk and secondhand dealers license fees.**

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

Section 676.04 License Fees

The operator of a junk cart shall pay an annual license fee of twenty-five dollars (\$25.00) for each junk cart operated. Every junk dealer shall pay an annual license fee of **two hundred twenty dollars (\$220.00)** for each place of business licensed. Every scrap metal processor shall pay an annual license fee of **two hundred twenty dollars (\$220.00)** for each place of business licensed. All junk cart licenses, junk dealer licenses, and scrap metal processor licenses shall be issued as of September 1 and expire on August 31 next succeeding the date of issuance.

**Section 2.** That existing Section 676.04 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.

**Ord. No. 1438-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts for labor and materials necessary to repair or maintain the fire alarm, detection, sprinkler, and suppression systems, including inspection and testing, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to 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 labor and materials necessary to repair or maintain the fire alarm, detection, sprinkler, and suppression systems, including inspection and testing, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, 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 171329)

**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. 1439-06.**

**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 Business Aircraft Center for office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for the period of one year with a one-year option to renew.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Business Aircraft Center ("Lessee") for use and occupancy of approximately 720 square feet of office space including one holding room and one side office located in Room 149 of the terminal building at Cleveland Burke Lakefront Airport ("Leased Premises"). The Leased Premises shall be used as an aircraft charter service facility and to provide related services to serve the air traveling public and patrons at Burke Lakefront Airport. The term of the Lease shall be for a one-year period with a one-year option to renew, commencing on the effective date thereof. For use of the Leased Premises, Lessee shall pay the City an annual rate as determined by an appraisal, but in no event shall the annual rate be less

than Nine Thousand Dollars (\$9,000.00) which is equal to \$12.50 per square foot. Such rent shall be paid in monthly installments of \$750.00 due on the first day of each month during the term of the Lease.

**Section 2.** The Lease authorized by this ordinance shall be prepared by the Director of Law.

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

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

**Ord. No. 1440-06.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts with Siemens Building Technologies, Inc. for labor and materials necessary to maintain, repair and expand the existing Building Automation System, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed one year, with two one-year options to renew.**

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

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

**Section 1.** That this Council has determined that the within services are non-competitive and cannot be secured from any source other than Siemens Building Technologies, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed one year, with two options to renew for additional one-year terms, of the necessary items of labor and materials necessary to maintain, repair, and expand the existing Building Automation System, which includes, but is not limited to interior and exterior lighting systems, HVAC, boilers, chillers, cooling towers, pumps, and air handlers, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

**Section 2.** That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 158662)

**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, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

**Ord. No. 1441-06.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with Standard Signs, Inc. for airfield signage and installation, and labor and materials to maintain and repair new and existing signage, for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, for the Department of Port Control.**

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

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

**Section 1.** That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Standard Signs, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts with Standard Signs, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one or two years of the necessary items of airfield signage and installation, and labor and materials to maintain and repair new and existing signage, be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, for the Department of Port Control. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract 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 158660)

**Section 3.** That this ordinance is declared to be an emergency mea-

sure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1442-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of airport signage, drawings, and installation, and labor and materials to maintain and repair new and existing signage and drawings, for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of airport signage, drawings, and installation, and labor and materials to maintain and repair new and existing signage and drawings, 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 Burke Lakefront Airport and Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150599)

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

**Section 4.** That this ordinance is declared to be an emergency 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. 1443-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to furnish and maintain interior landscaping, for the various divisions of the Department of Port Control.**

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

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

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

**Section 2.** That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of

Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150591)

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

**Section 4.** That this ordinance is declared to be an emergency 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. 1444-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of employee uniforms, for the various divisions of the Department of Port Control.**

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

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

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

**Section 2.** That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for

this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150597)

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

**Section 4.** That this ordinance is declared to be an emergency 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. 1445-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of asphalt for runways, taxiways, ramps, and roadways, including labor and materials for repair and installation, if necessary, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of asphalt for runways, taxiways, ramps, and roadways, including labor and materials for repair and installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance,

a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150598)

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

**Section 4.** That this ordinance is declared to be an emergency 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. 1446-06.**

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

**An emergency ordinance authorizing the acquisition of certain easement interests along East 115th Street and Euclid Avenue for the public improvement of eliminating poles along Euclid Avenue as part of the Euclid Corridor Transportation Project.**

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.** Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from Maximum Independent Living - Circle, on Ohio Corporation, in and to the premises described, at no cost to the City, for the elimination of poles along Euclid Avenue as part of the Euclid Corridor Transportation Project, more fully described as follows:

PARCEL 292-U  
GCRTA-PROJ.38-C04  
PERPETUAL EASEMENT  
FOR UTILITY PURPOSES  
IN THE NAME AND FOR  
THE USE OF CLEVELAND  
PUBLIC POWER

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

Ohio, and part of Original One Hundred Acre Lot Nos. 395 and 396, and a part of the lands conveyed to Maximum Independent Living by Volume 84-0562 Page 44 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the left side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows:

Commencing at the grantor's southeasterly corner and at the intersection of the westerly right of way of Euclid Avenue and the northerly right of way of East 115th Street at 40.00 feet left of centerline of right of way and construction of Euclid Avenue Station 354+49.57 and at 25.00 feet right of centerline of right of way and construction of East 115th Street Station 50+48.78;

Thence along said northerly right of way North 31° 07' 20" West, 169.44 feet to the True Point of Beginning of the easement herein described and being 25.00 feet right of centerline of right of way and construction of East 115th Street Station 52+18.21;

1) Thence continuing along said right of way, North 31° 07' 20" West, 10.00 feet to a point 25.00 feet right of centerline of right of way and construction of East 115th Street Station 52+28.21;

2) Thence leaving said right of way, North 58° 52' 40" East, 27.13 feet to a point 52.13 feet right of centerline of right of way and construction of East 115th Street Station 52+28.21;

3) Thence South 31° 07' 20" East, 10.00 feet to a point 52.13 feet right of centerline of right of way and construction of East 115th Street Station 52+18.21;

4) Thence South 58° 52' 40" West, 27.13 feet to the point of beginning.

Containing within said bounds 0.0062 acres of land in Parcel 120-23-016;

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue and East 115th Street.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

**Section 2.** Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from Joseph Londrico, in and to the premises described, at no cost to the City, for the elimination of poles along Euclid Avenue as part of the Euclid Corridor Transportation Project, more fully described as follows:

PARCEL 302-U  
GCRTA-PROJ.38-C04  
PERPETUAL EASEMENT  
FOR UTILITY PURPOSES  
IN THE NAME AND FOR  
THE USE OF CLEVELAND  
PUBLIC POWER

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and part of Sublot Nos. 4, 5, and 6 in Marcus E. Cozad and Sarah L. Cozad's Re-Allotment as recorded in Volume 9 Page 28 of Cuyahoga County Plat Records, and part of Original One Hundred Acre Lot Nos.

395, 396, 403, and 404, and a part of the lands conveyed to Joseph Londrigo, Sr. and Joseph Londrigo by Volume 97-2636 Page 41 on file in the Cuyahoga County Recorder's Office and being a parcel of land lying on the right side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows:

Commencing at the northeast corner of the grantor and on the easterly right of way line of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 26.86;

Thence along the northerly line of the grantor, South 35° 33' 45" East, 6.80 feet to the True Point of Beginning for the easement herein described at 46.67 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 25.50;

1) Thence continuing along said line, South 35° 33' 45" East, 31.50 feet to a point 77.53 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 19.21;

2) Thence leaving said line South 41° 59' 52" West, 3.53 feet to a point 77.59 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 15.68;

3) Thence North 47° 25' 06" West, 37.59 feet to a point on the easterly right of way line of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 15.46;

4) Thence along said right of way line, North 42° 54' 36" East, 10.00 feet to a point 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 25.46;

5) Thence leaving said right of way, South 47° 25' 06" East, 6.67 feet to the point of beginning.

Containing within said bounds 0.0063 acres of land in Parcel 120-31-003.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

**Section 3.** Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from University Circle, Inc. in and to the premises described, at no cost to the City, for the elimination of poles along Euclid Avenue as part of the Euclid Corridor Transportation Project, more fully described as follows:

PARCEL 305-U  
GCRTA-PROJ38-C04  
PERPETUAL EASEMENT  
FOR UTILITY PURPOSES  
IN TILE NAME AND FOR  
THE USE OF CLEVELAND  
PUBLIC POWER

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being a part of Original 100 Acre Lot 396, also a part of the lands conveyed to University Circle, Inc. by Volume 11676, Page 673 on file in the Cuyahoga County

Recorder's Office and being a parcel of land lying on the right side of the centerline of right of way and construction of Euclid Avenue, bounded and described as follows:

Commencing at the northwest corner of the grantor and on the easterly right of way line of Euclid Avenue at 40.00 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 26.86;

Thence along the southerly line of the grantor, South 35° 33' 45" East, 6.80 feet to the True Point of Beginning for the easement herein described at 46.67 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 25.50;

1) Thence leaving said line, South 47° 25' 06" East, 30.76 feet to a point 77.43 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 25.68;

2) Thence South 41° 59' 52" West, 6.47 feet to a point on the grantor's southerly line at 77.53 feet right of centerline of right of way and construction of Euclid Avenue Station 362 + 19.21;

3) Thence along said line, North 35° 33' 45" West, 31.50 feet to the point of beginning.

Containing within said bounds 0.0023 acres of land in Parcel 120-31-050.

Bearings are based on Ohio State Plane, North Zone NADS3 (1995) Grid North.

The stations referred to herein are from the centerline of right of way and construction of Euclid Avenue.

This description was prepared by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, Ohio No. 7289.

**Section 4.** That the Director of Public Service is authorized to execute all documents, on behalf of the City of Cleveland, necessary to acquire certain rights in and to the premises.

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

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

**Ord. No. 1447-06.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at East 30th Street off of Hamilton Avenue to State Industrial Products, Inc. or its designee.**

Whereas, the Director of Public Service has requested the sale of the City-owned property to State Industrial Products, Inc. or its designee (the "Redeveloper") no longer needed for public use and located at East 30th Street off of Hamilton Avenue; 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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

CUY-INNERBELT-CURVE  
VACATION OF A PORTION  
OF HIGHWAY

RIGHT-OF-WAY INVOLVING  
STATE ROUTE 42, SECTION 19.77,  
CUYAHOGA COUNTY, OHIO

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 10 Acre Lot 146 and 147 and 148, and part of sublots 29-45 of Leonard Case's Subdivision recorded in volume 3, page 31 of the Cuyahoga County Recorder's Office and further described as follows:

Commencing at the intersection of the centerline of East 33rd Street (66 feet wide) with the northwesterly right-of-way line of St. Clair Avenue (99 feet wide), a stone with a drill hole found in a monument box 0.14 feet south;

Thence along the northwesterly right-of-way line of St. Clair Avenue, South 57 degrees, 12 minutes, 10 seconds West, 33.00 feet to the intersection with the southwesterly right-of-way line of East 33rd Street (66 feet wide) and the Place of Beginning;

Thence continuing along the northwesterly right-of-way line of St. Clair Avenue, South 57 degrees, 12 minutes, 10 seconds East, 683.95 feet;

Thence, North 14 degrees, 41 minutes, 55 seconds West, 110.05 feet to an iron pin set in the southeasterly line of land deeded to Zucker Building Company in volume 84-5912, page 9 of the Cuyahoga County Recorder's Office, being the southeasterly line of the vacated limited access right-of-way described in volume 90-5483, page 47 of the Cuyahoga County Recorder's Office;

Thence along the southeasterly line of Zucker Building Company's land, and along the southeasterly line of the vacated limited access right-of-way, North 59 degrees, 40 minutes, 42 seconds East, 533.77 feet to a point of curvature;

Thence continuing along the southeasterly line of Zucker Building Company's land, also being the southeasterly line of the vacated limited access right-of-way, along the arc of a curve deflecting to the left, 125.69 feet, said curve having a radius of 120.00 feet, a central angle of 60 degrees, 00 minutes, 40 seconds and chord of 120.02 feet which bears North 29 degrees, 40 minutes, 24 seconds East;

Thence continuing along the southeasterly line of Zucker Building Company's land, also being the southeasterly line of the vacated limited access right-of-way, North 32 degrees, 49 minutes, 18 seconds West, 19.83 feet to the vacated southeasterly right-of-way line of Krauss Court;

Thence along the vacated southeasterly right-of-way line of Krauss Court, North 57 degrees, 11 minutes, 02 seconds East, 10.00 feet to the southwesterly right-of-way line of East 33rd Street;



Thence along the southwesterly right-of-way line of East 33rd Street, South 32 degrees, 49 minutes, 18 seconds East, 156.80 feet to the Place of Beginning and containing 1.4536 acres of land.

Being the remaining lands deeded to the City of Cleveland in volume 8849, page 275, volume 8849, page 283, volume 8849, page 285, volume 8849, page 249, volume 8849, page 317, volume 8849, page 319 and a portion of land deeded to the City of Cleveland in volume 8849, page 203, all of the Cuyahoga County Recorder's Office;

Intending to vacate the remaining portions of the State of Ohio limited access highway easement described in volume 8469, page 141, volume 8469, page 143, volume 8495, page 703, volume 8469, page 145, volume 8678, page 263, volume 8660, page 700 and a portion of volume 8849, page 203 all of the Cuyahoga County Recorder's Office.

Being all of that area located between the land deeded to Zucker Building Company in volume 84-5912, page 9 of the Cuyahoga County Recorder's Office and St Clair Avenue (99 feet wide) from East 33rd Street (66 feet wide) southwest to the proposed East 30th Street extension.

The bearings are based on the State Plane Coordinate System, Ohio North Zone, NAD83(1995) as determined by Burgess & Niple, Inc in April 2004 All iron pins described as set shall be 3/4" x 30" rebar with a 2 1/2" aluminum cap stamped "ODOT R/W BURGESS & NIPLE S-7468" and shall be placed upon notification by the Ohio Department of Transportation, District 12. This description was prepared in July 2006 by Burgess & Niple, Inc. under the direction of Franklin D. Snyder, Jr., P S Ohio #7468 and is based on surveys performed by Burgess & Niple, Inc. and URS Consultants beginning September 2004.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 3.** That the conveyance 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 necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**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. 1448-06.**  
**By Council Members Brady and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Northeast Ohio Areawide Coordinating Agency for the Flats East Bank Connector Project; and authorizing the Director to employ one or more professional consultants 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 Service is authorized to apply for and accept a grant in the approximate amount of \$364,000, from the Northeast Ohio Areawide Coordinating Agency ("NOACA") to conduct the Flats East Bank Connector Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1448-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide a cash match in the amount of \$91,000, from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 210 SF 383, 20 SF 394, 20 SF 500, 20 SF 506 (RL 175046) and is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Service 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 implement the project as described in the file.

The selection of 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 4.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the cash match and the grant proceeds which are accepted under this ordinance.

**Section 5.** That this ordinance is declared to be an emergency mea-

sure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1449-06.**  
**By Council Members Cimperman, Brady and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to the United States General Services Administration to encroach into the public right-of-way at the Anthony Celebrezze Federal Office Building located on Lakeside Avenue and East 9th Street by installing, using, and maintaining Federally mandated security devices for "stand off" and "crash" protection of the facility.**

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

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

**Section 1.** That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to the United States General Services Administration to encroach into the public right-of-way beneath and above Lakeside Avenue and East 9th Street at the Anthony Celebrezze Federal Office Building, 1240 East 9th Street Cleveland, Ohio 44114 ("Permittee"), by installing, using, and maintaining Federally mandated security devices for "stand off" and "crash" protection of the facility consisting variously of low concrete walls, bollards, light fixtures, steps, handrails, and foundations for them at the following locations:

Legal Description of  
Encroachment Area

Beginning on the Southerly right-of-way line of Lakeside Avenue (109 feet wide) at its intersection with the Easterly right-of-way of East 6th Street (99 feet wide);

Thence Easterly along the Southerly right-of-way line of said Lakeside Avenue to its intersection with the Westerly right-of-way of East 9th Street (99 feet wide);

Thence Southerly along said Westerly right-of-way of East 9th Street about 336.0 feet to a point;

Thence Easterly at a right angle to the last described line about 13 feet to the existing curb line of said East 9th Street;

Thence Northerly along said existing curb line and parallel with said Westerly right-of-way line of East 9th Street to a turnout to the left;

Thence Northwesterly and Westerly along said turn out to the Southerly existing curb line of Lakeside Avenue, said curb line being parallel with and distant about 30 feet by rectangular measurement from the Southerly right-of-way of Lakeside Avenue; thence continuing Westerly along said existing curb line to the Northerly prolongation of the Easterly right-of-way line of

East 6th Street; thence Southerly along said Northerly prolongation about 30 feet to the place of beginning.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section, Division of Engineering & Construction.

**Section 2.** That Permittee may assign the permit only with the prior written consent of the Director of Public Service. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

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

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

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

**Ord. No. 1450-06.**

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

**An emergency ordinance to amend Sections 3, 4 and 5 of Ordinance No. 971-05, passed June 6, 2005, relating to the improvement of Euclid Avenue between Public Square and East 70th Street by reconstructing or abandoning sidewalk vaults; and determining to proceed with the improvement.**

Whereas, in Resolution No. 2372-04, adopted February 28, 2005, the Council of the city declared it necessary to repair or otherwise improve underground vaults encroaching upon the public right-of-way on Euclid Avenue between Public Square and East 70th Street in accordance with plans, specifications and profiles on file in the office of the Clerk of Council, which plans, specifications and profiles the Council approved; and

Whereas, in Ordinance No. 971-05, passed June 6, 2005, the Council of the City determined to proceed to repair or otherwise improve underground vaults encroaching upon the public right-of-way on Euclid Avenue between Public Square and East 70th Street in accordance with plans, specifications and profiles and the estimate of cost of improvements approved and filed in the office of the Clerk of Council; and

Whereas, in Ordinance No. 15-06, passed February 13, 2006, the Council of the City of Cleveland amended Resolution No. 2372-04, to provide certain limits on the assessment; and

Whereas, in Resolution No. 999-06, adopted June 12, 2006, the Council of the City amended Resolution No. 2372-04, amended by Ordinance No. 15-06, to modify the plans, specifications and profiles and the estimated cost of improvements for certain properties; and

Whereas, no written objections to the revised estimated assessments have been received; 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 Sections 3, 4, and 5 of Ordinance No. 971-05, passed June 6, 2005, are amended to read as follows:

Section 3. That it is determined to proceed to improve Euclid Avenue between Public Square and East 70th Street 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 Resolution No. 2372-04, adopted February 28, 2005, **as amended by Ordinance No. 15-06, passed February 13, 2006, and Ordinance No. 999-06, passed June 12, 2006 (together, the "Amended Resolution of Necessity").**

Section 4. That the Improvements shall be performed under the provisions of the **Amended Resolution of Necessity**, and with the plans, specifications, and profiles approved and filed in the office of the Clerk of Council and in accordance with the estimates as **set forth in Resolution No. 2372-04, adopted February 28, 2005, amended by Ordinance No. 15-06, passed February 13, 2006, and Ordinance No. 999-06, passed June 12, 2006, (the amendments, comprising "the revised estimates")**.

Section 5. That the estimated assessments for the Improvements, as equalized by the Board of Revision of Assessments, and the **revised estimates on file** in the office of the Clerk of City Council are adopted.

**Section 2.** That existing Sections 3, 4, and 5 of Ordinance No. 971-05, passed June 6, 2005, are repealed.

**Section 3.** That the Clerk of Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after passage of this ordinance, as required by Section 319.61 of the Revised Code.

**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. 1451-06.**

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

**An emergency ordinance to amend the title and Section 8 of Ordinance No. 2194-05, passed January 23, 2006, as amended by Ordinance No. 571-06, passed June 12, 2006, relating to a grant from the United States Department of Health and Human Services to rehabilitate and renovate four City-owned health centers, including authorizing contracts.**

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 8 of Ordinance No. 2194-05, passed January 23, 2006, as amended by Ordinance No. 571-06, passed June 12, 2006, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Health and Human Services to rehabilitate and renovate four City-owned health centers; authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies needed to implement the grant; determining the method of making the public improvement of rehabilitating and renovating four City-owned health centers; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to enter into one or more contracts with **Netsmart Public Health, Inc.** for the acquisition of one or more licenses for an electronic medical charting system, including but not limited to installation, design, training, testing, technical support, and software maintenance for a period of one year; and authorizing the Director of Public Health to employ one or more professional consultants to implement the improvements.

Section 8. That the Director of Public Health is authorized to enter into one or more contracts with **Netsmart Public Health, Inc.** for professional services necessary for the acquisition of one or more licenses for an **electronic medical charting system**, including but not limited to installation, design, training, testing, technical support and software maintenance for a period of one year on the basis of their proposal dated November 5, 2005.

**Section 2.** That the existing title and Section 8 of Ordinance No. 2194-05, passed January 23, 2006, as amended by Ordinance No. 571-06, passed June 12, 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.

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

**Ord. No. 1452-06.**  
**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 Ohio Bureau of Criminal Identification and Investigation for the Advancing Justice Through DNA Technology Program; authorizing the purchase by one or more requirement contracts of equipment, supplies and services; and authorizing the Director to enter into one or more contracts with the State of Ohio Attorney General and various agencies, entities, or individuals 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 \$36,000.00, from the Ohio Bureau of Criminal Identification and Investigation to conduct the Advancing Justice Through DNA Technology Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1452-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

**Section 4.** That 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 equipment, supplies and services, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 5.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 6.** That the Director of Public Safety is authorized to enter into one or more contracts with the State of Ohio Attorney General to implement the grant as described in the file.

**Section 7.** That the Director of Public Safety is authorized to enter into one or more contracts with various agencies, entities, or individuals to implement the grant as described in the file, payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

**Section 8.** 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 9.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1453-06.**  
**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 United States Department of Justice through the Ohio Office of Criminal Justice Services for the Comprehensive Anti-Gang Initiative Prevention Program; authorizing the purchase by one or more requirement contracts of equipment, supplies and services; and authorizing the Director to enter into one or more contracts with various entities or agencies 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 \$118,596.00, from United States Department of Justice through the Ohio Office of Criminal Justice Services to conduct the Comprehensive Anti-Gang Initiative (CAGI) Prevention Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

**Section 2.** That the application for the grant, File No. 1453-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Safety shall have the authority to extend the term of the grant

if the extension does not involve an increase in the dollar amount of the grant specified above.

**Section 4.** That 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 equipment, supplies and services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 5.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**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 the Director of Public Safety is authorized to enter into one or more contracts with various agencies or entities to implement the grant as described in the file, payable from the fund or funds which are credited the grant proceeds accepted under this ordinance.

**Section 8.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1454-06.**  
**By Council Members Johnson and Sweeney (by departmental request).**  
**An emergency ordinance authorizing the purchase by one or more contracts of not to exceed five hundred seventy-eight electronic parking meters, not to exceed sixty collection canisters, and not to exceed four communicators, including software and hardware and training for a one month period, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed five hundred seventy-eight electronic parking meters, not to exceed sixty collection canisters, and not to exceed four communicators, including software and hardware and training for a one month period, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

**Section 3.** That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 142549.

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

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

**Ord. No. 1455-06.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to service and maintain elevators and escalators, for the Division of Convention Center & Stadium, Department of Parks, Recreation and Properties, for a period not to exceed three years.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years of the necessary items of labor and materials necessary to service and maintain elevators and escalators, 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 Divi-

sion of Convention Center & Stadium, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than three years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 164944)

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

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

**Ord. No. 1456-06.**

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

**An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the United States Environmental Protection Agency to implement Morgana Run Project; and authorizing the Director to employ one or more professional consultants to perform an environmental cleanup of the property located at 3542 East 71st 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 Community Development is authorized to apply for and accept a grant in the amount of \$200,000, from the United States Environmental Protection Agency to implement the Morgana Run Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1456-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Community 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 perform an environmental cleanup of the property located at 3542 East 71st Street.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Community Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Community 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 Community Development, and certified by the Director of Finance.

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

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

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

**Ord. No. 1457-06.**

**By Council Member Cleveland. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Central Avenue to Good Hope Baptist Church.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-24-015, as more fully described below, to Good Hope Baptist Church.

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

P. P. No. 118-24-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 26 and 27 in William & Lewis Brooker's Subdivision of part of Original 100 Acre Lot No. 336 as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 46 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Northerly side of Central Avenue S.E. at the Southwest corner of said Sublot No. 27; thence Easterly along the Northerly side of Central Avenue S.E. 57 feet; thence Northerly parallel with the Westerly line of said Sublot No. 27, 160 feet; thence Westerly parallel with the Northerly line of Central Avenue S.E., 57 feet to the Westerly line of Sublot No. 27; thence Southerly along the Westerly line of said Sublot No. 27, 160 feet to the place of beginning, 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. 1458-06.**

**By Council Member Cleveland.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 57th Street to Faith Baptist Community Center.**

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

lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-28-071, as more fully described below, to Faith Baptist Community Center.

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

P. P. No. 118-28-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 50 feet of Easterly 80 feet of Sublot No. 3 in W.S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and being 50 feet front on the Westerly side of East 57th Street (formerly Van Buren Street), and extending back of equal width 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**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. 1459-06.**

**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 Carey Holdings, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 124-12-020, as more fully described below, to Carey Holdings, Inc.

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

P. P. No. 124-12-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a Westerly part of Sublot Nos. 8 and 9 in the J.A. Ensign's Subdivision of part of Original One Hundred Acre Township Lot No. 328 as shown by the recorded plat in Volume 4 of Maps, Page 6 of Cuyahoga County Records, together forming a parcel of land having a frontage of 55 feet on the Easterly side of East 55 Street (80 feet wide), extending back between parallel lines of 105 feet along the Northerly side of Ensign Avenue (45 feet wide) to the Westerly line of land conveyed to Suzette Morris, Iris M. Morris and Anthony J. Morris by deed dated April 11, 1975 and recorded in Volume 13822, Page 501 of Cuyahoga County Records, and containing 0.1326 acres of land, 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. 1460-06.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 55th Street to Yoan Golan and Reno B. Golan.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-30-002, as more fully described below, to Yoan Golan and Reno B. Golan.

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

P. P. No. 104-30-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel No. 5 in the partition of the estate of John O. Willard of part of Original Ten Acre Lot No. 99 and bounded and described as follows:

Beginning at a point in the Westerly line of East 55th Street (formerly Wilson Avenue) 60 feet Southerly from its intersection with the

Southerly line of Hough Avenue, N.E., (formerly Mason Street) said point being also the Southeast corner of premises conveyed to the Trustees of the Walworth Swedish Methodist Episcopal Church by deed recorded in Volume 608, Page 97 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to the Easterly line of land conveyed to the Homer Commutator Company by deed recorded in Volume 755, Page 603 Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed, about 40 feet to the Northerly line of land conveyed to Francis A. Georger by deed recorded in Volume 237, Page 143 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed, 100 feet to said Westerly line of East 55th Street, thence Northerly along said Westerly line of East 55th Street about 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**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. 1461-06.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street, Zoeter and Lawnview Avenues to New Mount Zion Baptist Church.**

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutiliza-

tion of nonproductive lands situated within the City of Cleveland; and

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-09-074 as more fully described below, to New Mount Zion Baptist Church.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 106-09-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 30 feet from front to rear of Sublot No. 30 in Zoeter and Decker's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 5 of Maps, Page 30 of Cuyahoga County Records, and being 30 feet front on the Northerly side of Zoeter Avenue, N.E., and extending back of equal width 164 9/12 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 3.** 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. 106-09-110 as more fully described below to New Mount Zion Baptist Church.

**Section 4.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-09-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 27, 28 and 29 in Zoeter and Decker's Subdivision of a part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 5 of Maps, Page 30 of Cuyahoga County Records, and being more particularly described as follows:

Beginning at the intersection of the North line of Zoeter Avenue with the East line of Russell Avenue, now East 70th Street; thence Easterly along the North line of Zoeter Avenue, 96 feet and 9 inches; thence Northerly parallel with the East line of Russell Avenue, now East 70th Street, 33 feet; thence Westerly parallel with the North line of Zoeter Avenue, 96 feet and 9 inches to the East line of Russell

Avenue, now East 70th Street, and thence Southerly along the East line of Russell Avenue, now East 70th Street, 33 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 5.** 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. 106-13-014 as more fully described below, to New Mount Zion Baptist Church.

**Section 6.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 57 in Holden and Halle's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lawnview N.E. (formerly Astor Avenue) and extending back of equal width 128 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 7.** 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. 106-13-015 as more fully described, to New Mount Zion Baptist Church.

**Section 8.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 58 in Holden and Halle's Allotment of part of Original One Hundred Acre Lot No. 341 as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Southerly side of Astor Avenue (now known as Lawnview Avenue N.E.) and extending back of equal width 128 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 9.** 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. 106-13-101 as more fully described below, to New Mount Zion Baptist Church.

**Section 10.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 74 feet of Sublot No. 62 in Holden and Halle Allotment of part of Original One Hundred Acre Lot No. 341 as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 74 feet front on the Westerly

side of East 71st Street, and extending back of equal width 32 feet 10 inches along the Southerly side of Lawnview Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 11.** 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. 106-13-023 as more fully described below, to New Mount Zion Baptist Church.

**Section 12.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 31 IN Holden and Halle Allotment of a part of the Rufus Dunham Farms of part of Original One Hundred Acre Lot No. 341 as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Linwood Avenue, N.E. and extending back of equal width 128 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 13.** 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 14.** 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 15.** 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 16.** 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. 1462-06.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 88th Street to Jeannette Relaford.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-14-077, as more fully described below, to Jeannette Relaford.

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

P. P. No. 107-14-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in W.H. Van Tine, Jr. Trustee's Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 19 of Maps, Page 29 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 88th Street (formerly Leroy Place) and extending back of equal width, 114 feet, as appears by said plat.

Subject to Zoning Ordinances, if any.

**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. 1463-06.**

**By Council Member Turner.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 176th Street to Wanda Marie Graves.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 143-19-081, as more fully described below, to Wanda Marie Graves.

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

P. P. No. 143-19-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Warrensville Township Lot No. 92, bounded and described as follows:

Beginning on the Westerly line of East 176th Street 50 feet wide, as dedicated by Ordinance No. 1918-57, dated September 23, 1957 at the Northeast corner of Sublot No. 596 as shown by the recorded plat in Volume 167 of Maps, Page 35 of Cuyahoga County Records, thence Northerly along the Westerly line of said East 176th Street, 124.46 feet to the principal place of beginning; thence continuing Northerly, along the Westerly line of East 176th Street, 42 feet; thence Westerly parallel with the Northerly line of said Sublot No. 596 as shown by the recorded plat in Volume 167 of Maps, Page 35 of Cuyahoga County Records, 150 feet, thence Southerly parallel with the Westerly line of East 176th Street, 42 feet, thence Easterly parallel with the Northerly line of said Sublot No. 596, 150 feet to the principal place of beginning and being further known as Sublot No. 592 in William J. Lang's Lee Heights Allotment proposed, of part of Original Warrensville Town-

ship Lots Nos. 83, 84, 92, 93, 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. 1464-06.**

**By Council Member White.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 127th Street to Union Miles Development Corporation.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 138-09-063,

as more fully described below, to Union Miles Development Corporation.

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

P. P. No. 138-09-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 115 feet of Sublot No. 58 in Fowler, Critchley and Corlett's Allotment of part of Original One Hundred Acre Lot No. 469, as shown by the recorded plat in Volume 13 of Maps, page 10 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 127th Street (formerly Boylston Avenue), and extending back of equal width 115 feet along the Northerly line of Marston Avenue, S.E., 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. 1465-06.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Joseph M. Stern Company to provide economic development assistance to partially finance the interior renovations and improvements to the property located at 1968 East 66th Street, and other associated costs necessary to redevelop the property.**



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 Empowerment Zone Section 108 loan with Joseph M. Stern Company to provide economic development assistance to partially finance interior renovations and improvements, and other associated costs necessary to redevelop the property located at 1968 East 66th Street.

**Section 2.** That the Director of Economic Development is authorized to enter into a Grant Agreement with Joseph M. Stern Company to receive Economic Development Initiative Grant funds to partially finance the above described Improvement which are appropriated for this purpose.

**Section 3.** That the terms of the loan and grant shall be according to the terms set forth in the Summary contained in File No. 1465-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

**Section 4.** That the costs of the contract shall not exceed a loan amount of One Hundred Sixty Two Thousand Dollars (\$162,000) and a grant amount of One Hundred Eight Thousand Dollars (\$108,000). The loan shall be paid from Fund No. 18 SF 001 and the grant shall be paid from Fund No. 18 SF 003, Request No. 159714.

**Section 5.** That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 18 SF 002.

**Section 7.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 18 SF 004.

**Section 8.** That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

**Section 9.** The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1466-06.**

**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 develop, administer, and grade various Civil Service tests.**

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

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

**Section 1.** That the Secretary of the Civil Service Commission is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop, administer, and grade various Civil Service tests.

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

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund No. 01-010801-632000, Request No. 107449.

**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 Secretary of Civil Service Commission, Directors of Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 1470-06.**

**By Council Member Cimperman.**

**An emergency ordinance to amend Section 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 285-80,**

**passed May 19, 1980, relating to restrictions on location of stables, poultry enclosures and other enclosures.**

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 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 285-80, passed May 19, 1980, is amended as follows:

**Section 347.02 Restrictions on Location of Stables, Poultry Enclosures and Other Enclosures**

(a) No stable or enclosure for a horse, cow, goat or other similar animal, shall be less than 100 feet from an existing residence building on other premises in any use district, or from any obvious residence building site on other premises in a Residence District.

(b) No stable or enclosure for more than four horses, cows, goats or other similar animals, shall be less than 100 feet from any premises occupied by a church, school, playground, library or building of Institutional H Occupancy Classification, except where that distance is intersected by a street at least sixty feet wide.

(c) No enclosure for poultry, pigeons, rabbits or bees shall be less than 100 feet from an existing residence building on other premises in any use district, or from any obvious residence building site on other premises lot in a Residence District. Where poultry enclosures are within the premises of a poultry business they shall be subject to the further restrictions of this Zoning Code applicable in the use district in which they are located.

(d) In a Residence District no stable for a horse, cow, goat or other similar animal, shall be less than 100 feet from a street or contain more than a total of two (2) such animals; no enclosure for poultry, pigeons, rabbits or bees shall be less than 100 feet from a street, or contain more than a total of five (5) birds or animals, or exceed three colonies of bees, on the premises.

**Section 2.** That existing Section 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 285-80, passed May 19, 1980, 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 City Planning Commission, Building and Housing, Finance, Law; Committees on Community and Economic Development, City Planning, Legislation, Finance.

**Ord. No. 1473-06.**

**By Council Member Cimperman.**

**An emergency ordinance to amend Section 473.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1084-95, passed May 13, 1996, relating to safety personnel riding on sidewalks.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That Section 473.09 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1084-95, passed May 13, 1996 is amended as follows:

**Section 473.09 Riding on Sidewalks**

(a) No person shall ride a bicycle, skateboard or roller skates upon a sidewalk within a business district.

(b) No person shall ride a bicycle, skateboard or roller-skates upon a sidewalk within the City or paved area within a public park owned by the City when the Chief of Police or Traffic Control Commissioner has prohibited the riding of a bicycle, skateboard or roller-skates thereon and, with the consent of the member or members of Council in whose ward(s) the sidewalk or paved area within a public park is located has erected signs on or along such sidewalks or paved areas setting forth such prohibition.

(c) Whenever a person is riding a bicycle, skateboard or roller skates upon a sidewalk within the City or paved area within a public park owned by the City, such person shall yield the right-of-way to any pedestrian and give an audible signal before attempting to overtake and pass such pedestrian.

(d) Whoever violates this section is guilty of a minor misdemeanor.

**(e) This section shall not apply to Cleveland Police Department, Cleveland Emergency Medical Services, and Cleveland Fire Department personnel, nor to any private safety/security personnel, when personnel are acting within the scope of their official duties while riding a bicycle.**

**Section 2.** That existing Section 473.09 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance 1084-95, passed May 13, 1996, 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 Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.

**Ord. No. 1477-06.**

**By Council Member Cimperman.**

**An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Port Control to enter into a Second Amendment to the Mather Museum Lease Agreement with the Harbor Heritage Society to allow assignment of the Lease Agreement to The Great Lakes Museum of Science, Environment and Technology d/b/a The Great Lakes Science Center.**

Whereas, The Great Lakes Science Center ("GLSC") and the Harbor Heritage Society ("HHS") have entered into a transaction to combine the business operations of the two organizations; and

Whereas, under the transaction, GLSC is acquiring from HHS substantially all of HHS' assets including sole ownership, operational

authority, and responsibility for the historic Steamship William G. Mather Museum; and

Whereas, the Lease Agreement between the City of Cleveland and HHS, as amended, provides, in Section 15.1, that the Tenant may assign or transfer its interest in the Lease Agreement with the written consent of the City of Cleveland, which consent shall not be unreasonably withheld, conditioned or delayed; now, therefore

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

**Section 1.** That the Directors of Parks, Recreation and Properties and Port Control are authorized to enter into a Second Amendment to the Mather Museum Lease with the Harbor Heritage Society to provide for the assignment of the Lease Agreement to The Great Lakes Museum of Science, Environment and Technology, d/b/a The Great Lakes Science Center, an Ohio non-profit 501(c)(3) corporation.

**Section 2.** That the Second Amendment shall further provide for a release of the Tenant from responsibility for installing a supplemental in-water mooring system for the Mather Museum, which is permanently moored at Dock 32.

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

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

**Ord. No. 1478-06.**

**By Council Member White.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to Erica L. Sanders.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 135-04-011, as more fully described below, to Erica L. Sanders.

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

P. P. No. 135-04-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 449, bounded and described as follows:

Beginning on the Easterly line of East 93rd Street (formerly Woodland Hills Avenue), at the Southwesterly corner of the parcel conveyed by Matilda Morgan to Samuel and Mary J. Batt, May 10, 1893 and by deed recorded in Volume 549, Page 119 of Cuyahoga County Records; thence Easterly along the Southerly line of said parcel conveyed to Batt, 114.85 feet; thence Southerly parallel with the Easterly line of said East 93rd Street, 70 feet to the Northerly line of Dunlap Avenue, S.E.; thence Westerly parallel with the Southerly line of said Batt's land and along the Northerly line of said Dunlap Avenue, S.E., 114.85 feet to the Easterly line of East 93rd Street; thence Northerly along the Easterly line of East 93rd Street, 70 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**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. 1479-06.**

**By Council Member Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 83rd Street to East 83rd and Carnegie, LLC or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-14-071 and 119-14-073, as more fully described below, to East 83rd and Carnegie, LLC or designee.

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

P. P. No. 119-14-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 22 and 23 and a part of Kirtland Avenue, now vacated, and a part of a 1.50 foot reserve strip in E.N. Keyes Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 83rd Street (formerly Lincoln Avenue) 60 feet wide, at its intersection with the Southerly line of said Sublot No. 22; thence Northerly along the Westerly line of East 83rd Street, 53 feet to a point; thence Westerly in a direct line to a point on the Easterly line of Van Tine and Chadwick's Subdivision as recorded in Volume 20 of Maps, Page 7 of Cuyahoga County Records, said point being 53 feet Northerly, measured along the Easterly line of said Van Tine and Chadwick's Subdivision from its intersection with the Westerly prolongation of the Southerly line of said Sublot No. 22; thence Southerly along the Easterly line of said Van Tine and Chadwick's Subdivision 53 feet to its intersection with the Westerly prolongation of said Southerly line of Sublot No. 22; thence Easterly along said Westerly prolongation and along the Southerly line of said Sublot No. 22, 195.51 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 119-14-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 399 and bounded and described as follows:

Beginning on the Westerly line of East 83rd Street (formerly Lincoln Avenue), at a point one hundred three (103) feet Northerly (measured

along said Westerly line) from the Southerly line of Sublot No. 22 in E.N. Keyes; Subdivision of part of Original One Hundred Acre Lot Nos. 399 and 407, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records, said point of beginning being also four hundred twenty-one and sixty three hundredths (421.63) feet Southerly (measured along said Westerly line), from its point of intersection with the Southerly line of Euclid Avenue (80 feet wide); thence Northerly, along said Westerly line of East 83rd Street, fifty-two (52) feet; thence North 86 degrees 52' 30" West, 197.87 feet to the Easterly line of land conveyed to Elihu Chadwick by deed dated October 6, 1863, and recorded in Volume 135, Page 262 of Cuyahoga County Records; thence Southerly along said Easterly line of land so conveyed to Elihu Chadwick, fifty-two (52) feet; thence Easterly, in a straight line, about one hundred ninety-seven and eleven hundredths (197.11) feet to the place of beginning, according to a survey made by F.B. Krause, Civil Engineer, December 1, 1914.

Also subject to zoning ordinances, if any.

**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. 1487-06.**

**By Council Member Polensek.**

**An emergency ordinance to amend Section 401.101 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, relating to the definition of commercial motor vehicle.**

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 401.101 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, is amended as follows:

**Section 401.101 Commercial Motor Vehicle**

"Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(a) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(b) Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;

(c) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials;

(d) Any school bus with a gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(e) Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended;

(f) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal highway administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane. (RC 4506.01(E); and

**(g) Any recreational vehicle, motor home, mobile home, or trailer home.**

**Section 2.** That existing Section 401.101 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance 835-03, passed June 10, 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 Public Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.

FIRST READING ORDINANCE REFERRED

Ord. No. 1467-06.

By Council Member Cimperman.

An ordinance to change the Use District of a parcel of land located on the southwest corner of Rowley Avenue and West 11th Street from a Two-Family Residential District to a Local Retail Business District as shown on the attached map (Map Change No. 2180, Sheet Numbers 5 & 6).

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

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

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

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

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

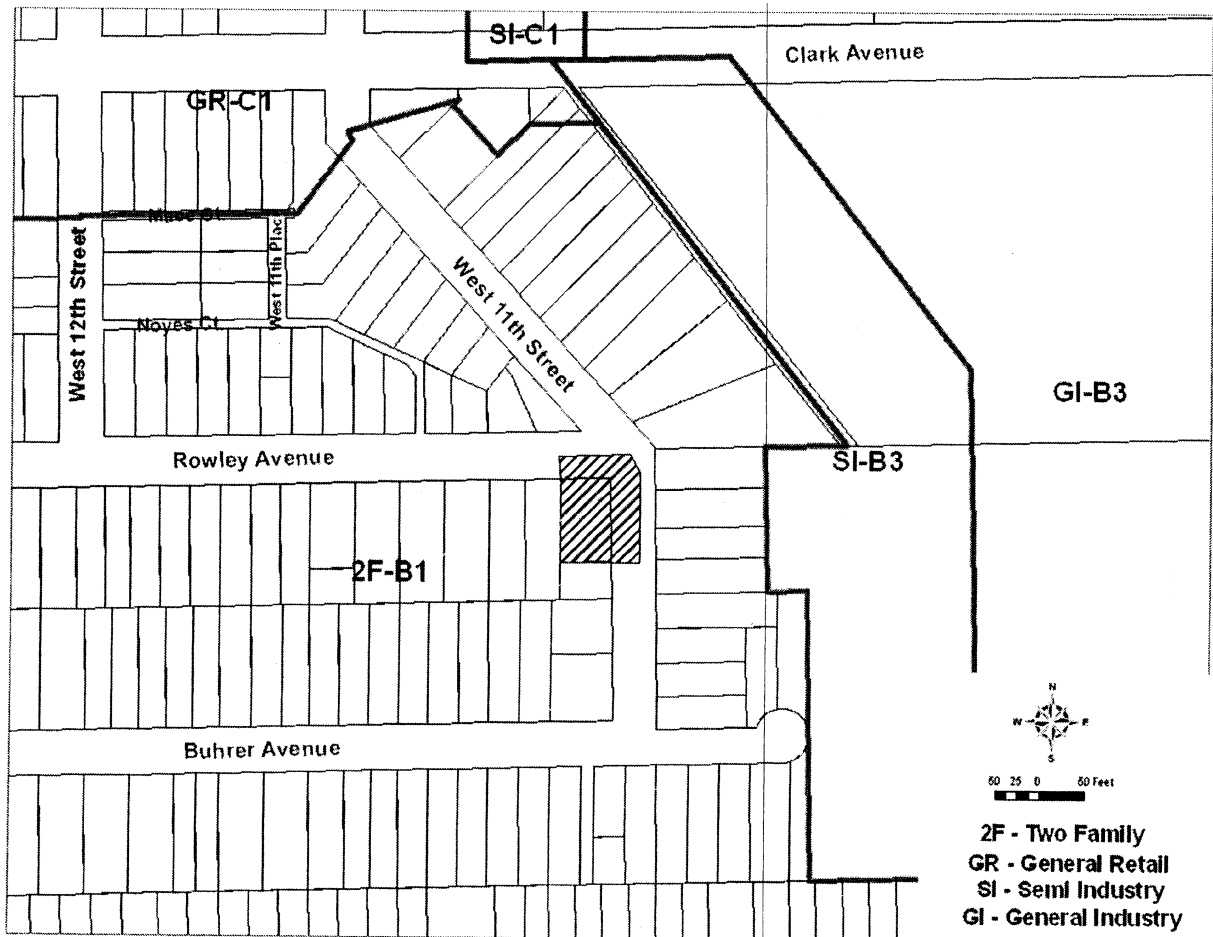
Thence easterly along said parallel line and along its easterly prolongation to its intersection with the centerline of West 11th Street;

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

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

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2180, Sheet Numbers 5 & 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

**FIRST READING EMERGENCY  
RESOLUTIONS REFERRED**

**Res. No. 1468-06.**

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

**An emergency resolution declaring the intent to vacate a portion of West Lakeside Avenue N.W.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of West Lakeside Avenue N.W., 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:

**CANOPY AND ELEVATOR  
LOBBY AREA WITHIN WEST  
LAKESIDE AVENUE N.W.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, known as being a parcel within the bounds of West Lakeside Avenue N.W., 99 feet in width, bounded and described as follows:

Beginning on the southeasterly line of said West Lakeside Avenue N.W., at the point distant North 56°-00'-55" East, 31.37 feet as measured along said southeasterly line from the northwesterly corner of Lot "A" as shown by the Map of Lot Split for the Lakeside Complex of part of Original Two Acre Lot Nos. 25, 26 and 27, as shown by the plat recorded in Volume 302 of Maps, Page 10 of Cuyahoga County Records;

Course No. 1: thence northeasterly along a curved line, being the arc of a circle deflecting to the right, 20.32 feet to a point, said curved line having a radius of 55.00 feet and a chord which bears North 32°-17'-32" East, a distance of 20.21 feet;

Course No. 2: thence North 33°-59'-05" West and perpendicular to said southeasterly line of West Lakeside Avenue N.W., 4.37 feet to a point;

Course No. 3: thence northeasterly along a curved line, being the arc of a circle deflecting to the right, 25.79 feet to a point, said curved line having a radius of 30.00 feet and a chord which bears North 56°-00'-55" East, a distance of 25.00 feet;

Course No. 4: thence South 33°-59'-05" East and perpendicular to said southeasterly line of West Lakeside Avenue N.W., 4.37 feet to a point;

Course No. 5: thence northeasterly along a curved line, being the arc of a circle deflecting to the right, 20.32 feet to a point in the south-

easterly line of West Lakeside Avenue N.W., said curved line having a radius of 55.00 feet and a chord which bears North 79°-44'-15" East, a distance of 20.21 feet;

Course No. 6: thence South 56°-00'-55" West along said southeasterly line of West Lakeside Avenue N.W., 62.00 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in June, 2005, be the same more or less.

Legal 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. 1469-06.**

**By Council Member Sweeney (by departmental request).**

**An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2007 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.**

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

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

**Section 1.** That the Council, under the provisions of Chapter 5705 of the Revised Code, after public hearings as required by law, does adopt the statements of the year 2007 requirements for the several funds of the City of Cleveland as being the budget required by state law to be submitted to the County Budget Commission, which requirements are contained in File No. 1469-06-A.

**Section 2.** That the Clerk of Council is directed to certify a copy of the resolution to the County Auditor of Cuyahoga County.

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

from and after the earliest period allowed by law.

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

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

**Ord. No. 1436-06.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more contracts of an inventory bar code module, including maintenance for a period of one year, for the Division of Information Technology and Services, Department of Finance.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: inventory bar code module for the Helpdesk Suite, including maintenance for a period of one year, to be purchased by the Commissioner of Purchases and Supplies for a unit basis, for the Division of Information Technology and Service, Department of Finance.

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

**Section 3.** That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 142086.

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

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

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

**Ord. No. 1471-06.**

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

**An emergency ordinance To amend Section 45 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 Section 45 of Ordinance No. 289-06, passed March 27, 2006, is amended to read as follows:

**Section 45. Hourly Rate - Building & Construction Trades Council**

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	<b>Effective Date</b>	<b>Minimum</b>	<b>Maximum</b>
1. Asbestos Worker.....	5/1/06	\$35.76	\$44.70
2. Boiler Maker.....	7/1/06	\$39.93	\$49.91
3. Bricklayer.....	5/1/06	\$30.62	\$38.27
4. Bricklayer Foreman.....	5/1/06	\$31.87	\$39.27
5. Carpenter.....	5/1/06	\$30.60	\$38.25
6. Carpenter Foreman.....	5/1/06	\$31.85	\$39.50
7. Carpenter Apprentice.....	5/1/04	\$14.45	\$18.06
8. Cement Finisher.....	5/1/06	\$30.85	\$38.56
9. Cement Finisher Foreman.....	5/1/06	\$32.10	\$39.31
10. Electrical Worker.....	5/1/06	\$37.25	\$46.56
11. Electrical Worker Foreman.....	5/1/06	\$38.50	\$46.56
12. Glazier.....	5/1/06	\$31.26	\$39.08
13. Ironworker.....	8/1/06	\$35.17	\$43.96
14. Ironworker Foreman.....	8/1/06	\$36.42	\$46.21
15. Painter.....	6/1/06	\$30.21	\$37.76
16. Painter - Apprentice.....	5/1/04	\$14.46	\$18.06
17. Painter Foreman.....	6/1/06	\$31.46	\$39.33
18. Pipefitter (Welder).....	5/1/06	\$36.62	\$45.77
19. Pipefitter Foreman.....	5/1/06	\$37.87	\$46.27
20. Plasterer.....	5/1/06	\$30.24	\$37.80
21. Plasterer Foreman.....	5/1/06	\$31.49	\$38.80
22. Plumber (Welder).....	5/1/06	\$36.76	\$45.95
23. Plumber Foreman.....	5/1/06	\$38.01	\$46.95
24. Roofer.....	5/1/06	\$31.14	\$38.93
25. Sheet Metal Worker.....	5/1/06	\$35.31	\$44.14
26. Sheet Metal Worker Foreman.....	5/1/06	\$36.56	\$45.64

**Section 2.** That existing Section 45 of Ordinance No. 289-06, passed March 27, 2006, 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.

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

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

**Ord. No. 1472-06.**

**By Council Member Cimperman.**

**An emergency ordinance to amend Section 2 of Ordinance No. 1890-05, passed October 31, 2005, relating to contract with Valleyview Phase I, L.P. to provide development assistance to partially finance the Valley View Hope VI Development Project Phase I located at the eastern edge of the Tremont neighborhood and I-490, and all other associated costs necessary to redevelop the property.**

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 2 of Ordinance No. 1890-05, passed October 31, 2005, is amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in **File No. 1890-05-B**, 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.

**Section 2.** That existing Section 2 of Ordinance No. 1890-05, passed October 31, 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.

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

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

**Ord. No. 1476-06.**

**By Council Member Cleveland.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Friendly Inn Settlement, Inc. to stretch a banner at 2549 East 55th & opposite 2549 East 55th Street, for the period from September 11, 2006 to October 9, 2006, inclusive, publicizing the Central Community Family Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to

issue a permit to the Friendly Inn Settlement, Inc. to install, maintain and remove a banner at 2549 East 55th & opposite 2549 East 55th Street, for the period from September 11, 2006 to October 9, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1482-06.****By Council Member Reed.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Friends of Mt. Pleasant to stretch banners on CPP utility poles along Woodhill Park; Kinsman Road, between East 108th & East 154th; and at Kingsberry, from November 13, 2006 to December 12, 2006.**

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 Friends of Mt. Pleasant to install, maintain and remove banners on CPP utility poles along Woodhill Park; Kinsman Road, between East 108th & East 154th; and at Kingsberry, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1483-06.****By Council Member Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Hospitals Health System to stretch a banner on the RTA Rail Bridge over Cedar Road, for the period from September 9, 2006 to October 8, 2006, inclusive, celebrating the Hospital's #4 ranking in Pediatrics.**

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 University Hospitals Health System to install, maintain and remove a banner on the RTA Rail Bridge over Cedar Road for the period from September 9, 2006 to October 8, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 1485-06.****By Council Member Zone.**

**An emergency ordinance amending the Title and Section 1 of Ordinance No. 1072-06 passed June 12, 2006 as it pertains to the Great Lakes Community Expo Program through the use of Ward 17 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Section 1 of Ordinance No. 1072-06 passed June 12, 2006 are hereby amended to read as follows:

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

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

**Section 2.** That the Title and Section 1 of Ordinance No. 1072-06 passed June 12, 2006 are hereby repealed.

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

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

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

**Ord. No. 1488-06.****By Council Member Zone.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to stretch a banner on the northwest corner of West 73rd & Detroit, for the period from September 11, 2006 to October 10, 2006, inclusive, announcing the opening of the Battery Park residential 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 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 install, maintain and remove a banner on the northwest corner of West 73rd & Detroit, for the period from September 11, 2006 to October 10, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

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

**Res. No. 1474-06.**

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

**An emergency resolution supporting Cuyahoga County's proposed ballot resolution to place before the voters a health and human services tax levy that, if passed by the voters at the November 7, 2006 election, will replace an existing 3.0 mill tax levy and reduce it by 0.1 mills for a rate not to exceed 2.9 mills for the purpose of supplementing the general fund appropriation for health and human or social services for a period of four years.**

Whereas, on July 27, 2006, the Board of County Commissioners of Cuyahoga County adopted a resolution declaring it necessary to replace a portion of an existing 3.0 mill tax levy and reduce such levy by 0.1 mills to constitute a tax levy at a rate not to exceed 2.9 mills, for four years, and requesting the County Auditor to certify the total current tax valuation of the County and the dollar amount of revenue that would be generated by the 2.9 mill replacement and reduction levy; and

Whereas, on July 27, 2006, the County Auditor certified that the total current tax valuation of the County is \$29,416,835,136 and the dollar amount of revenue that would be generated by that 2.9 mill replacement and reduction levy would be \$87,217,392 annually during the life of the levy, assuming that the total current tax valuation remains the same throughout the life of the levy; and

Whereas, on August 17, 2006, the Board of County Commissioners of Cuyahoga County adopted a resolution that submitted the proposed health and human services levy to the electors of the County on November 7, 2006, after determining that the amount of taxes which may be raised by the County within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide for the necessary requirements of the County; and

Whereas, the County's proposed health and human services levy would replace and reduce the current 3.0 mill levy that has been in place at the same level since approved in 1989; and

Whereas, the County's proposed health and human services levy is necessary to continue funding human services that range from the early childhood "Invest in Children" program that prepares Cleveland's youngest residents to enter school healthy and prepared, to the "Options" and "Passport" programs that provide home health care to Cleveland senior citizens; and

Whereas, the County's proposed health and human services levy is necessary to continue base funding for child welfare, public assistance, senior citizen, homeless prevention, foster care, adoption, and at-risk children services used by Cleveland citizens; and

Whereas, the proposed health and human services levy is necessary to continue annual County subsidies to the MetroHealth System, the Cuyahoga County Community Mental Health Board, and the Cuyahoga

County Alcohol and Drug Service used by Cleveland citizens; and

Whereas, the proposed health and services levy, if passed, will benefit the City of Cleveland by continuing to provide a basic safety net of services to meet the increasing needs in our community; and

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

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

**Section 1.** That this Council supports Cuyahoga County's ballot resolution to place before the voters a health and human services tax levy that, if passed by the voters at the November 7, 2006 election, will replace an existing 3.0 mill tax levy and reduce it by 0.1 mills for a rate not to exceed 2.9 mills for the purpose of supplementing the general fund appropriation for health and human or social services for a period of four years.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to County Commissioners Dimora, Hagan, Jones, County Prosecutor Bill Mason, and Mayor Jackson.

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

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

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

**Res. No. 1475-06.**

**By Council Member Polensek.**  
**An emergency resolution declaring this Council's support of the proposal of Northeast Shores Development Corporation to the Ohio Housing Finance Agency for the use of non-tax-credit gap financing for its Glen Cove Condominiums development.**

Whereas, each year the Ohio Housing Finance Agency allocates gap financing for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Northeast Shores Development Corporation is proposing to develop 6 housing units in its Glen Cove Condominiums development at 231-235 East 156th Street in Ward 11 in the City of Cleveland; and

Whereas, 100% of these homes will be occupied by families at or below 80% of the area median income and no housing units will be market rate; and

Whereas, 40% of these housing units will be occupied by families at or below 50% of the area median income; and

Whereas, the proposed development does not serve a particular target population; and

Whereas, the Northeast Shores Development Corporation proposal will benefit the citizens of the City; 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 declares its support of the proposal of Northeast Shores Development Corporation to the Ohio Housing Finance Agency for the use of non-tax-credit gap financing for its Glen Cove Condominiums development.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of Northeast Shores 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1481-06.**

**By Council Member Polensek.**  
**An emergency resolution declaring this Council's support of the proposal of Northeast Shores Development Corporation to the Ohio Housing Finance Agency for the use of non-tax-credit gap financing for its North Shores development.**

Whereas, each year the Ohio Housing Finance Agency allocates gap financing for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Northeast Shores Development Corporation is proposing to develop 12 housing units in its North Shores development at 16002 Corsica Avenue, 16016 Corsica Avenue, 16020 Corsica Avenue, 16014 Arcade Avenue, 16014 Huntmere Avenue and 7 other addresses to be determined, all in Ward 11 in the City of Cleveland; and

Whereas, 100% of these homes will be occupied by families at or below 80% of the area median income and no housing units will be market rate; and

Whereas, 40% of these housing units will be occupied by families at or below 50% of the area median income; and

Whereas, the proposed development does not serve a particular target population; and

Whereas, the Northeast Shores Development Corporation proposal will benefit the citizens of the City; 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 declares its support of the proposal of Northeast Shores Development Corporation to the Ohio Housing Finance Agency for the use of non-tax-credit gap financing for its North Shores development.

**Section 2.** That the Clerk of Council is hereby directed to transmit



two certified copies of this resolution to the Executive Director of Northeast Shores 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1486-06.**

**By Council Members Zone, Britt, Cummins, Brancatelli, Cimperman, Dolan, Polensek, Conwell, Santiago, Cleveland, Turner, Brady and Coats.**

**An emergency resolution encouraging the Jackson administration to join the Plug-in Partners National Campaign and to develop a program to purchase flexible-fuel plug-in hybrid vehicles, including fleet orders; supporting local, state and federal policies that will promote flexible-fuel plug-in hybrid vehicles; and supporting the advocacy by local government and other community members for the purchase of flexible-fuel plug-in hybrid vehicles.**

Whereas, the over-reliance of America on foreign oil has become a growing and serious threat to the economic vitality and national security interest of the United States; and

Whereas, automobile emissions are a major contributing factor to global warming and to smog in our cities, which threaten the health of our citizens and the sustainability of our planet; and

Whereas, the imbalance between gasoline resources and worldwide demand is causing gasoline prices to escalate at an alarming rate to levels that overburden commerce, hurt economic growth and cause serious hardship on our citizens; and

Whereas, the technology exists today to build a flexible-fuel plug-in hybrid electric automobile that could reduce oil imports, fuel costs to our citizens and our economy and emissions by dramatic margins; and

Whereas, Cleveland City Council encourages the City of Cleveland to partner with Austin, Texas and others of some of the nation's largest cities, to urge automakers to mass produce plug-in hybrid vehicles for the substantial economical, environmental and strategic reasons set forth herein; and

Whereas, Cleveland City Council is officially launching "Plug-In Cleveland", a community-wide campaign to promote the mass production of plug-in hybrid vehicles; and

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

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

**Section 1.** That this Council hereby encourages the Jackson administration to join the Plug-in Partners National Campaign and to develop a program to purchase flexible-fuel plug-in hybrid vehicles, including fleet orders.

**Section 2.** That this Council supports local, state and federal policies that will promote flexible-fuel plug-in hybrid vehicles.

**Section 3.** That this Council further supports the advocacy by local government and other community members for the purchase of flexible-fuel plug-in hybrid vehicles.

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

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

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

**Res. No. 1489-06.**

**By Council Member Cimperman.**  
**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 620 Frankfort Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Down River Specialties, Inc., 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent Number 2289880 to 620 Frankfort, LLC, 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent Number 8202241; 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 and D6 Liquor Permit from Down River Specialties, Inc., 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent Number 2289880 to 620 Frankfort, LLC, 620 Frankfort Avenue, Cleveland, Ohio 44113, Permanent Number 8202241; 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1490-06.**

**By Council Member Johnson.**  
**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road.**

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 Woddi II, Inc., DBA Cousins Superette, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 9725521 to Mt. Auburn Deli, Inc., DBA Woddi Market, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 6210878; 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 Woddi II, Inc., DBA Cousins Superette, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 9725521 to Mt. Auburn Deli, Inc., DBA Woddi Market, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 6210878; 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1491-06.**

**By Council Member Johnson.**

**An emergency resolution withdrawing objection to the renewal of a D4 Liquor Permit at 2890 Woodhill Road, and repealing Resolution No. 1333-05, objecting to said renewal.**

Whereas, this Council objected to a D4 Liquor Permit to East End Democratic Club, 2890 Woodhill Road by Resolution No. 1333-05 adopted by the Council on July 13, 2005; and

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

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

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

**Section 1.** That objection to a D4 Liquor Permit to East End Democratic Club, 2890 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 2402359 be and the same is hereby withdrawn and Resolution No. 1333-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

**Section 2.** That this resolution is hereby declared to be an emergency

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

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

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

**Res. No. 1492-06.**

**By Council Member Kelley.**

**An emergency resolution withdrawing objections to the renewal of a D5 Liquor Permit at 3837 Ridge Road, and repealing Resolution Nos. 1330-03 and 1342-05, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit to O'Reilly's Nightclub, Inc., 3837 Ridge Road, Cleveland, Ohio 44144, Permanent Number 6571521-0005 by Resolution No. 1330-03 adopted by the Council on July 16, 2003 and by Resolution No. 1342-05 adopted by the Council on July 13, 2005; and

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

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

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

**Section 1.** That objections to a D5 Liquor Permit to O'Reilly's Nightclub, Inc., 3837 Ridge Road, Cleveland, Ohio 44144, Permanent Number 6571521-0005 be and the same is hereby withdrawn and Resolution Nos. 1330-03 and 1342-05, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 1493-06.**

**By Council Member Lewis.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 8023 Superior Avenue and repealing Resolution No. 1382-05, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 8023 Superior Avenue by Resolution No. 1382-05 adopted by the Council on July 13, 2005; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Henry J. Thomas, DBA Thomas Easy Food Store, 8023 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 8883725 be and the same is hereby withdrawn and Resolution No. 1382-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 1494-06.**

**By Council Member Polensek.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 731-3 East 185th Street, and repealing Resolution No. 1148-06, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to Field Barnes, Inc., DBA Field's, 731-3 East 185th Street, Cleveland, Ohio 44119, Permanent No. 2710507-0005, by Resolution No. 1148-06 adopted by the Council on July 12, 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 Field Barnes, Inc., DBA Field's, 731-3 East 185th Street, Cleveland, Ohio 44119, Permanent Number 2710507-0005 be and the same is hereby withdrawn and Resolution No. 1148-06, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1495-06.****By Council Member Reed.**

**An emergency resolution withdrawing objections to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3695-97 East 131st Street, and repealing Resolution Nos. 1357-05 and 1327-06, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 695-97 East 131st Street by Resolution No. 1357-05 adopted by the Council on July 13, 2005 and Resolution No. 1327-06 adopted by the Council on August 9, 2006; and

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

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

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

**Section 1.** That objection to a D1, D2, D3 and D3A Liquor Permit to VCH, Inc., DBA Side by Side Bar & Deli, 3695-97 East 131st Street, Cleveland, Ohio 44120, Permanent Number 9179589 be and the same is hereby withdrawn and Resolution Nos. 1357-05 and 1327-06, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 1496-06.****By Council Member Reed.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3560 East 93rd Street, and repealing Resolution No. 1323-06, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3560 East 93rd Street by Resolution No. 1323-06 adopted by the Council on August 9, 2006; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Kirksey, Inc., DBA Hank's, 3560 East 93rd Street, Cleveland, Ohio 44105, Permanent Number 46687270001 be and the same is hereby withdrawn and Resolution No. 1323-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

**Section 2.** That this resolution is hereby declared to be an emergency

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

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

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

**Res. No. 1497-06.****By Council Member Sweeney.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4051 West 140th Street, and repealing Resolution No. 1152-06, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 4051 West 140th Street by Resolution No. 1152-06 adopted by the Council on July 12, 2006; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Jennifer, Inc., DBA Frank's Delicatessen, 4051 West 140th Street, Cleveland, Ohio 44135, Permanent Number 4275986 be and the same is hereby withdrawn and Resolution No. 1152-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 1498-06.****By Council Member Turner.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit at 4170 Lee Road, and repealing Resolution No. 1081-06, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to New Sir Rah House, LLC, 4170 Lee Road, Cleveland, Ohio 44128, Permanent No. 6367874, by Resolution No. 1081-06 adopted by the Council on June 12, 2006; and

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

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

**Section 1.** That objection to a D2, D2X, D3, D3A and D6 Liquor Permit to New Sir Rah House, LLC, 4170 Lee Road, Cleveland, Ohio 44128, Permanent Number 6367874 be and the same is hereby withdrawn and Resolution No. 1081-06, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1499-06.****By Council Member Zone.**

**An emergency resolution objecting to a New C1 Liquor Permit at 4810 Bridge Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Lisa M. Dunlap, DBA Dunlap's Marathon, 4810 Bridge Avenue, Cleveland, Ohio 44102, Permanent Number 5227950; 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 Lisa M. Dunlap, DBA Dunlap's Marathon, 4810 Bridge Avenue, Cleveland, Ohio 44102, Permanent Number 5227950 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 1102-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement the Active Directory Implementation Project; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the program for a period of two years, with one option to renew for an additional two year period, for the Department of Finance.

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

1. In the title, strike lines 12 and 13 in their entirety and insert "a period of two years, for the".
2. In Section 2, strike lines 3 and 4 in their entirety and insert "Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of hardware".

Amendments agreed to.

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

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

##### Ord. No. 1103-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with Data Compression Technology, Inc. for the purchase and installation of STAX software for records retrieval, for the Division of Taxation, Depart-

ment of Finance, for a period of one year with two one-year options to renew.

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

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

##### Ord. No. 1248-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts to purchase network equipment, including but not limited to, switches, routers, software and software licenses, and maintenance for a period of two years with a one-year option to renew, for the Division of Information Technology and Services, Department of Finance.

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

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

##### Ord. No. 1249-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to apply for and accept a grant from the Cuyahoga County Corrections Planning Board for the 2006-07 Domestic Intervention, Education and Training Program; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies necessary to implement the grant.

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

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

##### Ord. No. 1250-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to assess network security systems, processes, and policies, to recommend improvements, to design the accepted recommendations, to acquire any programs, and for training, support, and maintenance for a period of two years with an option to renew for one year; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the accepted improvements to the City's network security systems, processes, and policies, for a period of two years with an option to renew for one year, for the Department of Finance.

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

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

##### Ord. No. 1252-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional

consultants to continue maintenance support for the core equipment that supports the City of Cleveland's network for a period of one year with two options to renew for an additional one year term.

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

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

##### Ord. No. 1253-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of a remote access system, including hardware, software, installation, training and maintenance, for the Division of Information Technology and Services, Department of Finance, for a period of two years with an option to renew for an additional year.

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

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

#### LAID ON THE TABLE

##### Ord. No. 2287-04 (Duplicate).

By Council Members Coats, White and Jackson (by departmental request).

An emergency ordinance to amend Section 535.24 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 79-82, passed February 1, 1982, relating to charges for water from fire hydrants.

Without objection, Ordinance No. 2287-04 (Duplicate) was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 2287-04 (Duplicate) laid on the table.

#### MOTION

By Council Member Dolan, seconded by Council Member Santiago and unanimously carried that the absence of Council Member Zachary Reed, be and is hereby authorized.

#### MOTION

The Council Meeting adjourned at 7:40 p.m. to meet Monday, September 18, 2006 at 7:00 p.m. at the Bohemian National Hall, 4939 Broadway Avenue, located in Ward 5.



City Clerk, Clerk of Council

#### THE CALENDAR

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

NONE

**BOARD OF CONTROL**

September 6, 2006

The special meeting of the Board of Control convened in the Mayor's office on Wednesday, September 6, 2006, at 10:00 a.m. with Director Triozzi presiding.

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

Absent: Mayor Jackson and Director Fumich.

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. 410-06.**

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 68-98, passed by the Council of the City of Cleveland on October 19, 1998 as amended by Ordinance No. 94-99, passed on March 1, 1999, Hatch Mott McDonald is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide Design Engineering Services for the Morgan Pretreatment and Residuals Project, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Hatch Mott McDonald based upon its proposal dated, March 10, 2006, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$3,210,899.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Hatch Mott McDonald for the above-mentioned professional services is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Polytech, Inc. (MBE)	\$481,699.00 15.00%
Sigma Associates, Inc. (FBE)	\$160,545.00 5.00%
URS Corporation	\$720,000.00 22.42%

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

Nays: None.

Absent: Mayor Jackson and Director Fumich.

**Resolution No. 411-06.**

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Baron Hydraulics Inc. for an estimated quantity of labor and materials to refurbish and maintain various types of material handling equipment (all items) for the various divisions of the Department of Public Utilities, for a period of two (2) years, received on June 16, 2006 under the authority of Ordinance No. 1027-05, passed July 13, 2005, which on the basis of the estimated quantity would amount to \$42,202.50 (5% 5 Days, Net 30), 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 labor and materials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 171340 which shall be certified against the contract in the sum of \$7,500.00.

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

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

Nays: None.

Absent: Mayor Jackson and Director Fumich.

**Resolution No. 412-06.**

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Alfieri Brothers Materials Supply Co. under City Contract No. 65433 for an estimated quantity of labor and materials for the sewer test tee inspection, installation and snaking, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Section 541.13 of the Codified Ordinances of Cleveland, Ohio, 1976, and Board of Control Resolution No. 50-06, adopted February 22, 2006, is approved:

<u>Subcontractor</u>	<u>Work</u>
<u>MBE/FBE</u>	
Rockport Construction & Material, Inc.	
FBE	\$ 5,000.00 (1.25%)

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

Nays: None.

Absent: Mayor Jackson and Director Fumich.

**Resolution No. 413-06.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sweepster Attachments, LLC, for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, all items, 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 July 21, 2006, under the authority of Ordinance No. 1873-05, passed on October 24, 2005, which on the basis of the estimated quantity would amount to \$35,000.00, 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. 171173 which shall be certified against the contract in the sum of \$10,000.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for 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: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director Szabo, Director Wasik, Interim Director Carroll, Directors Flask, Cox, Rush, Hutchinson, Reilly, Guzman and Interim Director Rybka.

Nays: None.

Absent: Mayor Jackson and Director Fumich.

**Resolution No. 414-06.**

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Wackenhut Corporation, for unarmed security guard services, all items, 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 July 21, 2006, under the authority of Ordinance No. 299-06, passed on March 27, 2006, which on the basis of the estimated quantity would amount to \$1,059,840.00, 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. 171179 which shall be certified against the contract in the sum of \$53,000.00.

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.

Be it further resolved by the Board of Control that the employment of the following subcontractors by The Wackenhut Corporation, is approved:

<u>Subcontractors</u>	<u>MBE/FBE%</u> <u>Dollar Amounts</u>
Nationwide Protective Service, Inc.	15.06% MBE \$159,567.48
R-Cap, Ltd.	5.00% FBE \$ 53,044.99

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 415-06.**

By Director Wasik.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Sterling Truck Sales, Inc. for an estimated quantity of cab/chassis with digger/derick bodies, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on June 28, 2006, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$365,026.00 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161738 which shall be certified against the contract in the sum of \$365,026.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Valley Sterling Truck Sales, Inc. for the above-mentioned purchase are approved:

Dueco, Inc.	\$121,672.00 per unit — 66.66%
All Points Systems, Ltd.	\$2,800.00 per unit — 1.53%
Logical Services, Inc.	FBE — \$800.00 per unit — 0.44%

Yeas: Directors Triozzi, Dumas, Interim Director Ciaccia, Acting Director Szabo, Director Wasik, Interim Director Carroll, Directors Flask, Cox, Rush, Hutchinson, Reil-

ly, Guzman and Interim Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 416-06.**

By Director Wasik.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Apex Construction and Management Company, Inc., for the public improvement of the building improvements for the House of Corrections sprinkler heads replacement, base bid, for the Department of Public Service, received on June 2, 2006, under the authority of Ordinance No. 2145-03, passed February 9, 2004 by the Cleveland City Council, for a gross price for the improvement in the aggregate amount of \$17,490, is affirmed and approved as the lowest responsible bidder, and the Director of Public Service 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 subcontractor by Apex Construction and Management Company, Inc. is approved:

<u>Subcontractor</u>	<u>Amount</u> <u>MBE/FBE</u> <u>Percentage</u>
R & R Mechanical	\$8,495
MBE	48.57%

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 417-06.**

By Director Wasik.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of EnviroCom Construction Inc., for the public improvement of Superior Avenue with The Superior Public Art Project, for the Division of Engineering and Construction, Department of Public Service, received on July 13, 2006, under the authority of Ordinance No. 867-2000, passed by the Cleveland City Council on June 19, 2000, upon a unit basis for the improvement, in the aggregate amount of \$280,600.00 Item Nos. 1 - 18 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 EnviroCom Construction Inc. for the above-mentioned public improvement is approved:

McTech	(MBE) — \$1,000.00 — (0.36%)
DDCT	(MBE) — \$23,160.00 — (8.25%)
Able Fence	(FBE) — \$3,900.00 — (1.39%)

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 418-06.**

By Director Wasik.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Republic Services of Ohio II, LLC, for an estimated quantity of transfer and disposal of municipal solid waste, Contract W, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of 2 years with two 1 year options to renew beginning with the date of execution of a contract, received on August 4, 2006 under the authority of Ordinance No. 310-06 passed March 27, 2006, which on the basis of the estimated quantity would amount to approximately \$18,252,800.00, is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 130678 which shall be certified against the contract in the sum of \$2,200,000.00.

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Republic Services of Ohio II, LLC for the transfer and disposal of municipal solid waste, Contract W is approved:

Granger Trucking, Inc.	MBE — 7.5% — \$1,368,960.00
Ramos Trucking	MBE — 7.5% — \$1,368,960.00
Interstate Safety & Services, Inc.	FBE — 5% — \$912,640.00

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 419-06.**

By Director Wasik.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Republic Services of Ohio I, LLC, for the purchase of an estimated quantity of direct haul disposal of municipal solid waste from areas of

the City in proximity to and to be served by the transfer site at 3227 Harvard Road, Cleveland, Ohio 44105, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of 1 year beginning with the date of execution of a contract, received on August 4, 2006 under the authority of Ordinance No. 302-06, passed March 27, 2006, which on the basis of the estimated quantity would amount to approximately \$4,380,000.00, 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. 130679 which shall be certified against the contract in the sum of \$220,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Republic Services of Ohio I, LLC, for the direct haul disposal of municipal solid waste is hereby approved:

Granger Trucking, Inc.  
MBE — 7.5% — \$328,500.00

Ramos Trucking  
MBE — 7.5% — \$328,500.00

Interstate Safety & Service Co., Inc.  
FBE — 5% — \$219,000.00

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 420-06.**

By Interim Director Carroll.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Apex Construction and Management Company, Inc., for the public improvement of the building improvements for the new door installation at the J. Glen Smith Health Center, base bid 1, 2, 3, 4, 5, and alternate 1, 2, and 3, for the Department of Public Health, received on December 15, 2005, under the authority of Ordinance No. 2194-05, passed January 23, 2006 by Cleveland City Council, for a gross price for the improvement in the aggregate amount of \$16,800, is affirmed and approved as the lowest responsible bidder, and the Director of Public Health 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 subcontractor by Apex Construction and Management Company, Inc. is approved:

<u>Subcontractor</u>	<u>Amount</u>
<u>MBE/FBE</u>	<u>Percentage</u>
Work Best Electric	
FBE	\$1,687
	10.05%
Glomar	\$1,100
	6.55%

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 421-06.**

By Director Rush.  
Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 124-27-031 located at Kinsman Road in Ward 5; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Burten, Bell, Carr Development, Inc., abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Burten, Bell, Carr Development, Inc. for the sale and development of Permanent Parcel No. 124-27-031 located at Kinsman Road, in accordance with the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair

Market value of said parcel for uses in accordance with the Program.

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 422-06.**

By Director Rush.  
Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 108-26-095 located at Garfield Avenue in Ward 8; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Glenville Development Corporation, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Glenville Development Corporation for the sale and development of Permanent Parcel No. 108-26-095 located at Garfield Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Program.

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

Nays: None.  
Absent: Mayor Jackson and Director Fumich.

**Resolution No. 423-06.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 124-27-028, 124-27-029, 124-27-030, 124-27-032, 124-27-033, 124-27-034, 124-27-035, 124-27-036, 124-27-037, 124-27-038, 124-27-039 and 124-27-040, located at Kinsman Road under the Land Reutilization Program; and

Whereas, Ordinance No. 757-05 passed May 23, 2005, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. or designee has proposed to the City to purchase and develop the parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 757-05 passed May 23, 2005, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. or designee for the sale and development of Permanent Parcel Nos. 124-27-028, 124-27-029, 124-27-030, 124-27-032, 124-27-033, 124-27-034, 124-27-035, 124-27-036, 124-27-037, 124-27-038, 124-27-039 and 124-27-040, as described in the Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$10,000.00, which amount is hereby determined to be not less than the fair market value of the parcels for uses in accordance with the Land Reutilization Program.

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

Nays: None.

Absent: Mayor Jackson and Director Fumich.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 25, 2006**

**9:30 A.M.**

**Calendar No. 06-164:** 5107 Lorain Avenue (Ward 17)

Enrique Maldonado, owner, appeals to change the use from a store and two dwelling units to a used car lot business, situated on a 25' x 132' parcel located in a Local Retail Business District on the south side of Lorain Avenue at 5107 Lorain Avenue; the proposed use being contrary to Section 343.01 and first permitted in a General Retail Business District, provided that a 1.5' high barrier is maintained at the existing 20' setback line, behind which all vehicles, advertising and parking are to be kept; and as proposed, the barrier, customer parking and used auto display areas are within the required setback, and a lot width of 25' is proposed, where Section 347.11 requires a 60' width for a used car lot; and two customer parking spaces are proposed, contrary to Section 349.04 where 25% of the lot, or three parking spaces, must be reserved for customer parking; and a 2' wide landscape strip is proposed, where 4' is required along Lorain Avenue, and at the rear of the property where it abuts a residential district, no landscape buffer is proposed, contrary to Section 352.10, where a 10' wide landscape strip is required; and an accessory service garage and detailing are not permitted in a Local Retail District but first permitted in a Semi-Industry District, as stated in Section 325.31 of the Codified Ordinances.

**Calendar No. 06-169:** 11600 Berea Road (Ward 19)

Thomas Kilbane, owner, appeals for an expansion of outdoor storage use to include an office and residential unit, situated on an acreage parcel located in a General Industry District at the northeast corner of Berea Road and West 117th Street at 11600 Berea Road; subject to the limitations of Section 345.04(c)(1), a residential unit, human habitation, is not permitted in a General Industry District except that the Board of Zoning Appeals may grant special permission for temporary or perma-

nent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.

**Calendar No. 06-170:** 12833 Lorain Avenue (Ward 19)

Max A. Beyer, owner, and Cecilia Cayson, tenant, appeal to change from a church hall to a use for a day care center a one-story building situated on a 74.87' x 151.34' parcel located in a General Retail Business District on the south side of Lorain Avenue at 12833 Lorain Avenue; the proposed day care use abuts a one-family district at the rear property line and by reference is regulated in a Multi-Family District, Section 337.08(e)(3), where a day care and its uses if located less than 15' from a residential district, require the Board of Zoning Appeals approval.

**Calendar No. 06-171:** 2487 West 25th Street (Ward 14)

George Sass, owner, appeals to construct a two-story building for an automobile wrecking yard and a repair garage on a 41,852 square foot lot, located in a General Industry District on the east side of West 25th Street at 2487 West 25th Street; the proposed lot size being deficient and contrary to the minimum area of 50,000 square feet that is required for auto wrecking, as stated in Section 345.03(a)(4) of the Codified Ordinances.

**Calendar No. 06-173:** 7218 Hough Avenue (Ward 7)

David Collier, owner, appeals to install approximately 232 lineal feet of 4' high chain link fence in the actual front yard of a 95' x 157.87' parcel, located in a Multi-Family District on the south side of Hough Avenue at 7218 Hough Avenue; contrary to the Fence Regulations, in Residential Districts only ornamental fences shall be installed in actual front and side street yards if located within 4' of the property line. Chain link fence may be permitted by the Board of Zoning Appeals, if it is determined that legally permitted chain link fence is common in the immediate vicinity of the subject property, as stated in Section 358.04(c)(1) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 11, 2006**

At the meeting of the Board of Zoning Appeals on Monday, September 11, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 06-158:** 3051 East 65th Street

Fred Schaeffer appealed for an expansion of use as a carry-out restaurant/deli in a mixed use building located in a Two-Family District.



**Calendar No. 06-161:** 1426-28 East 41st Street

Baird Lair LLC appealed to construct a parking lot in a Multi-Family District for an existing office building.

**Calendar No. 06-162:** 1377-87 West 87th Street

Felicia and Virgil Tent appealed to change to a group home the use of a two-story multiple dwelling unit building located in a Two-Family District; subject to conditions.

**Calendar No. 06-140:** 4134 East 119th Street

Marvin Wolfe appealed to install a 6' high wooden privacy fence in the actual front and side street yards of a corner parcel in a Two-Family District.

**Calendar No. 06-146:** 10108 St. Clair Avenue

Emerald Alliance LP II, appealed to construct a parking lot for 27 spaces in a Local Retail business District.

**Calendar No. 06-147:** 10004 St. Clair Avenue

Emerald Alliance LP II appealed to construct a four-story, 72 dwelling units building in a Local Retail Business District.

The following appeal was **Denied:**  
None.

The following appeal was **Withdrawn:**

**Calendar No. 06-160:** 2161 Murray Hill Road

Diana and Leo Lenzo appealed to change to a restaurant/tavern the use of a two-story store building located in a Multi-Family District.

The following appeal was **Dismissed:**  
None.

The following appeal was **Postponed:**  
None.

In Executive Session on Monday, September 11, 2006, the following appeals heard by the Board on September 5, 2006 were adopted and approved.

The following appeal was **Approved:**

**Calendar No. 06-153:** 2317 West 6th Street

Lori Properties appealed to erect a 20' x 51' three-story single family dwelling in a B1 Two-Family District.

The following appeal was **Denied:**

**Calendar No. 06-156:** 2202 East 70th Street

Carmen Shorter Chung appealed to construct an accessory parking lot using compacted gravel in a Multi-Family District.

The following appeal heard by the Board on August 14, 2006 was adopted and approved.

The following appeal was **Approved:**

**Calendar No. 06-142:** 15946 Whitcomb Road

Holy Redeemer Catholic Church appealed to expand a parking lot in split zoning between a Local Retail Business District and a Two-Family District.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

Re: Report of the Meeting of September 6, 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-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 four (4) weeks (October 04, 2006).

\* \* \*

**Docket A-80-06.**

RE: Appeal of FPT Cleveland Real Estate LLC/FPT Cleveland LLC, Owner of the Property located on the premises known as 8501 Aetna Road from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated July 6, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-80-06 has been POSTPONED; to be rescheduled for September 20, 2006.

\* \* \*

**Docket A-81-06.**

RE: Appeal of FPT Cleveland Real Estate LLC/FPT Cleveland LLC, Owner of the Property located on the premises known as 8550 Aetna Road from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated June 29, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-81-06 has been POSTPONED; to be rescheduled for September 20, 2006.

**Docket A-82-06.**

RE: Appeal of FPT Cleveland Real Estate LLC/FPT Cleveland LLC, Owner of the Property located on the premises known as 8500 Aetna Road from a NOTICE OF VIOLATION — UNAUTHORIZED USE of the Director of the Department of Building and Housing, dated June 29, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-82-06 has been POSTPONED; to be rescheduled for September 20, 2006.

\* \* \*

**Docket A-91-06.**

RE: Appeal of St. George Antiochian Church, Owner of the Property located on the premises known as 2627 West 14th Street (aka 2621 West 14th Street) from a NOTICE OF VIOLATION — HVAC, dated July 31, 2006 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the fans to remain as they are, with the addition of deflectors deflecting away from both the outdoor air intake and the adjacent property. 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-92-06.**

RE: Appeal of The Virtual Schoolhouse, Owner of the Property located on the premises known as 736 Lakeview Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 21, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the Appellant to delay the construction as outlined in their appeal statement dated (08/29/06), with the understanding that a "Certificate of Occupancy", for a limited time, will be granted under those circumstances. 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-94-06.**

RE: Appeal of Shorebank Enterprise Group (Entrepreneurship Preparatory School), Owner of the Property located on the premises known as 540 East 105th Street from a NOTICE OF VIOLATION — FIRE CODE of the Director of the Department of Building and Housing, dated August 14, 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 thirty (30) days(October 4, 2006).

\* \* \*

**EXTENSION OF TIME:**

**Docket A-32-06.**

RE: Appeal of Edward Lawson, Owner of the Property located on the premises known as 14114 Miles Avenue from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated May 31, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to begin erection of the wall and ninety (90) days in which to complete the construction of the wall; 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. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Bradley and seconded by Mr. Saab 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-67-06 — Mohammed Muntaser & Yommaneh Muntaser.
- A-85-06—Thomas Marmash.
- A-87-06 — St. Luke's Lutheran Church.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

August 23, 2006

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

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**THURSDAY, SEPTEMBER 21, 2006**

**Public Improvement by Requirement Contract for the Constructing and Repairing Catch Basins and Manholes at Various Locations throughout the City,** as authorized by Section 129.291 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, SEPTEMBER 15, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

September 6, 2006 and September 13, 2006

**FRIDAY, SEPTEMBER 22, 2006**

**PM 2.5 Continuous Ambient Particulate Monitor,** for the Division of Air Quality, Department of Public Health, as authorized by Ordinance 1033-05, passed by the Council of the City of Cleveland, June 6, 2005.

There will be a non-mandatory pre-bid meeting, Friday, September 15, 2006 at 10:00 A.M., 9127 Miles Avenue, Cleveland, Ohio 44105.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 15, 2006 AT 10:00 A.M., 9127 MILES AVENUE, CLEVELAND, OHIO 44105.

September 6, 2006 and September 13, 2006

**WEDNESDAY, SEPTEMBER 27, 2006**

**Board Up — Group 3,** for the Department of Building and Housing, as authorized by Ordinance No. 696-06, passed by the Council of the City of Cleveland, May 15, 2006.

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

THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, SEPTEMBER 20, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**Board Up — Group 4,** for the Department of Building and Housing, as authorized by Ordinance No. 696-06, passed by the Council of the City of Cleveland, May 15, 2006.

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

THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, SEPTEMBER 20, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**Electronic Motors and Pumps,** for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 883-06, passed by the Council of the City of Cleveland, June 13, 2006.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 15, 2006 AT 11:00 A.M., PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING #2, CLEVELAND, OHIO 44105.

September 6, 2006 and September 13, 2006

**THURSDAY, SEPTEMBER 28, 2006**

**Adjustable Valve Boxes and Appurtenances,** for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, SEPTEMBER 14, 2006 AT 10:30 A.M., DIVISION OF WATER

— DISTRIBUTION AND MAINTENANCE FACILITY, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, NEWBURGH HEIGHTS, OHIO 44105.

**Janitorial Supplies and Equipment**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 602-06, passed by the Council of the City of Cleveland, April 10, 2006.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, MONDAY, SEPTEMBER 18, 2006 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM, 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**Standby Power Generators for the City of Cleveland at Various Fire Stations Project**, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 674-05, passed by the Council of the City of Cleveland, June 6, 2005.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** FRIDAY, SEPTEMBER 22, 2006 AT 10:00 A.M., DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 6, 2006 and September 13, 2006

**FRIDAY, OCTOBER 6, 2006**

**Rental and Laundry of Work Clothing**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 240-06, passed by the Council of the City of Cleveland, February 27, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, SEPTEMBER 15, 2006 AT 10:30 A.M., CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM, 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 6, 2006 and September 13, 2006

**FRIDAY, SEPTEMBER 29, 2006**

**East 128th Street Sewer Replacement Project**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 876-06, passed by the Council of the City of Cleveland, July 12, 2006.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, SEPTEMBER 22, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**Westdale Avenue Sewer Replacement Project**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 872-06, passed by the Council of the City of Cleveland, July 12, 2006.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, SEPTEMBER 22, 2006 AT 10:30 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

September 13, 2006 and September 20, 2006

**THURSDAY, OCTOBER 5, 2006**

**Modular Office**, for the Division of Air Quality, Department of Public Health, as authorized by Ordinance 1033-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, SEPTEMBER 26, 2006, DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 13, 2006 and September 20, 2006

**FRIDAY, OCTOBER 6, 2006**

**Marcella Road Sanitary Sewer Relining Project**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 871-06, passed by the Council of the City of Cleveland, July 12, 2006.

There will be a **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, SEPTEMBER 22, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, SEPTEMBER 22, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**Various Vehicle and Equipment Parts and Repairs**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, SEPTEMBER 14, 2006 AT 2:00 P.M., 4150 EAST 49TH STREET, BUILDING #1 (ONE), CLEVELAND, OHIO 44105.

September 13, 2006 and September 20, 2006

**WEDNESDAY, OCTOBER 11, 2006**

**Construction and Demolition Debris (Contract "C & D")**, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 303-06, passed by the Council of the City of Cleveland, March 20, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, SEPTEMBER 26, 2006 AT 10:00 A.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

September 13, 2006 and September 20, 2006

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

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