

# The City Record

Official Publication of the Council of the City of Cleveland



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January the Fourth, 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.....	9212 Kempton Avenue	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

- \_\_\_\_\_, Chief of Staff
- \_\_\_\_\_, Chief Operating Officer
- \_\_\_\_\_, Executive Assistant
- \_\_\_\_\_, Director, Office of Equal Opportunity
- \_\_\_\_\_, Executive Assistant to the Mayor
- \_\_\_\_\_, Inter-Governmental Affairs Officer

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

DEPT. OF FINANCE – Sharon Dumas, Interim 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, 1404 East 9th Street
- Purchases and Supplies – James E. Hardy, Commissioner, Room 128
- Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
- Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

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

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

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

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

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

DEPT. OF PUBLIC SAFETY – Martin Flask, Interim 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 – Antoinette Thompson, Interim 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 – Michael Cox, Commissioner, Room 8
- Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
- Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Interim 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 – \_\_\_\_\_, Director, Room 500  
 DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner  
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Sue Rudman, Interim Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – \_\_\_\_\_, Director, Room 210

DEPT. OF AGING – \_\_\_\_\_, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Interim Director

COMMUNITY RELATIONS BOARD – Room 11, \_\_\_\_\_, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, 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; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

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; Margaret Hopkins, 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 \_\_\_\_\_, President; Finance Director \_\_\_\_\_, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director \_\_\_\_\_; Law Director \_\_\_\_\_; Councilman \_\_\_\_\_.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director \_\_\_\_\_ Utilities Director \_\_\_\_\_; Council President Martin J. Sweeney.

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

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

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

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud, Doris Honsa, Richard Lenard.

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 \_\_\_\_\_; Chairman; Finance Director \_\_\_\_\_; Council President Martin J. Sweeney; Councilman Dona Brady; Councilman \_\_\_\_\_.

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Baulknigh, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair; Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, \_\_\_\_\_, N. Kurt Wiebusch, Council Member \_\_\_\_\_, Robert Jackimowicz; Robert Keiser, Secretary.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, JANUARY 4, 2006

No. 4804

## CITY COUNCIL

MONDAY, JANUARY 2, 2006

### The City Record

Published weekly by the City Clerk,  
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The City Record is available  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Address all communications to

**EMILY LIPOVAN**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

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

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

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

#### 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. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

#### 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:

**Personnel and Operations Committee:**

**Mayor's Appointment Committee:**

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 2, 2006

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

Also present was Mayor Frank G. Jackson.

Det. James Kiefer of the Cleveland Police Department, 2nd District sang the National Anthem.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Dr. Larry Macon, Sr., Senior Pastor of Mt. Zion Baptist Church. Pledge of Allegiance.

#### MOTION

On the motion of Council Member-Elect Pierce Scott, the reading of the minutes of the last meeting were dispensed with and the journal approved. Seconded by Council Member-Elect Kelley.

#### File No. 1-06.

December 19, 2005

Sandra Franklin  
First Assistant Clerk  
Cleveland City Council  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Dear Ms. Franklin:

You are hereby requested to serve as Clerk of Council Pro Tempore for the purpose of calling the January 2, 2006 Council meeting to order and until such time as the Council selects a Clerk of Council.

Your assistance is appreciated.

Very truly yours,  
Frank G. Jackson,  
President of Council

Received.

#### OATH OF OFFICE

#### File No. 2-06.

Frank G. Jackson, Mayor. Received.

#### OATH OF OFFICE MEMBERS OF COUNCIL

The Oath of Office was administered to the 2006-2009 Council by Judge Larry A. Jones, Presiding Judge and Administrative Judge of Cleveland Municipal Court.

#### File No. 3-06.

January 2, 2006

Ms. Emily Lipovan Holan  
City Clerk, Clerk of Council  
City of Cleveland:

Dear Clerk Holan:

Pursuant to Section 194 of the Charter of the City of Cleveland, I hereby certify to you that there has been filed in the Office of the Clerk of Council, the Oaths of Office, subscribed by the following Council Members:

Ward 1 — Nina Turner  
Ward 2 — Robert J. White  
Ward 3 — Zachary Reed  
Ward 4 — Kenneth L. Johnson  
Ward 5 — Phyllis E. Cleveland  
Ward 6 — Patricia J. Britt  
Ward 7 — Fannie M. Lewis  
Ward 8 — Sabra Pierce Scott  
Ward 9 — Kevin Conwell  
Ward 10 — Roosevelt Coats  
Ward 11 — Michael D. Polensek  
Ward 12 — Anthony Brancatelli  
Ward 13 — Joseph Cimperman  
Ward 14 — Joseph Santiago

Ward 15 — Brian J. Cummins  
 Ward 16 — Kevin Kelley  
 Ward 17 — Matthew Zone  
 Ward 18 — Jay Westbrook  
 Ward 19 — Dona Brady  
 Ward 20 — Martin J. Sweeney  
 Ward 21 — Michael A. Dolan

Very truly yours,  
 Sandra Franklin,  
 City Clerk

Clerk of Council Pro Tempore

Received.

#### ELECTION OF TEMPORARY CHAIRMAN

Council Member Michael D. Polensek moved, pursuant to Rule 9, that Council Member Robert J. White serve as Temporary Chairman for the purpose of organizing the Council, Council Member Dona Brady seconded the motion. Council Member Kevin Conwell moved that nominations for Temporary Chairman be closed. A roll call ensued.

Council Member White received 21 votes. Those who voted for Council Member White were: Council Members Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Pierce Scott, Polensek, Reed, Santiago, Sweeney, Turner, Westbrook, White and Zone.

Council Member Robert J. White assumed the Chair and thanked the Council Members for giving him the opportunity to serve as Temporary Chairman.

#### ELECTION OF COUNCIL PRESIDENT

The Temporary Chairman stated the next order of business was the election of the President of Council. Council Member Sabra Pierce Scott moved that Council Member Martin J. Sweeney serve as President of Council for the 2006 - 2009 Council Term. Council Member Kevin Conwell seconded the motion. Council Member Nina Turner moved that the nomination for Council President be closed. A roll called ensued. The Temporary Chairman instructed the members of Council to state the name of the candidate, Martin J. Sweeney, when responding to the roll call and requested the Clerk Pro Tempore to call the roll call on the election of President of Council.

After completion of the roll call, the Clerk Pro Tempore announced that Council Member Sweeney received 21 votes. Those who voted for Council Member Sweeney were: Council Members Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Pierce Scott, Polensek, Reed, Santiago, Sweeney, Turner, Westbrook, White and Zone. Council Member Martin J. Sweeney, having received a majority of vote of all the members elected to Council, is the duly elected President of Council for the 2006-2009 term.

The Temporary Chairman requested Council Member Martin J. Sweeney's family to escort the newly elected Council President to the Chair. The Honorable Judge Gerald F. Sweeney (Retired), of

Cleveland Municipal Court administered the oath of office to Council Member Martin J. Sweeney, the newly elected President of Council. Council President Sweeney assumed the Chair and thanked the Council Members for giving him the opportunity to serve as President of Council of 2006 - 2009 term, introduced his family and gave brief remarks.

#### OATH OF OFFICE

**File No. 4-06.**  
 Martin J. Sweeney, President of Council. Received.

#### ELECTION OF COUNCIL CLERK

Council Member Joseph Santiago moved that in order to expedite the orderly organization of the 2006 - 2009 Council proceed with the election of City Clerk and placed in nomination the name Emily Lipovan Holan as City Clerk, Clerk of Council for the 2006 - 2009 Council term. Council Members Anthony Brancatelli seconded the motion. Council Member Joseph Cimperman moved that the nomination for City Clerk, Clerk of Council be closed. Council President Sweeney instructed the members of Council to state the name of the candidate, Emily Lipovan Holan, when responding to the roll call and requested the Clerk Pro Tempore to call the roll on the election of City Clerk, Clerk of Council.

After completion of the roll call, it was announced that Emily Lipovan Holan received 21 votes. Those voting for Emily Lipovan Holan were: Council Members Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Pierce Scott, Polensek, Reed, Santiago, Sweeney, Turner, Westbrook, White, Zone.

The Honorable Judge Joan Synenberg, Associate Judge of Cleveland Municipal Court administered the oath of office to Emily Lipovan Holan, the newly elected City Clerk, Clerk of Council.

Council Clerk Holan assumed the duties of her office and thanked the Council Members for giving her the opportunity to serve as City Clerk, Clerk of Council of 2006 - 2009 term, introduced her family and gave brief remarks.

#### OATH OF OFFICE

**File No. 5-06.**  
 Emily Lipovan Holan, City Clerk, Clerk of Council. Received.

#### MOTION

Council Member Jay Westbrook moved that the Rules of Council for the 2002-2006 Council term prevail for the 2006-2009 Council Term until such time as the Council President convenes the Rules Committee. Without objection, motion approved.

#### RULES OF COUNCIL

**File No. 6-06.**  
 Rules of Council for the years 2006-2009. Received.

Personal expressions were addressed to the body by the Council President, Council Members and the Council Clerk.

The Council adjourned at 9:15 p.m. to meet on Monday, January 9, 2006, at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

#### THE CALENDAR

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

#### ORDINANCE

##### Ord. No. 1780-05.

By Mayor Campbell.

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Steelyard Commons LLC, to provide for payments to the Cleveland City School District and to provide for the creation of the Steelyard Commons TIF Fund to be used for development and recreational improvements; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to such real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under the authority of Ordinance No. 1541-04, passed October 17, 2005, and prior to the passage of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

Whereas, under Section 5709.41 of the Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.42 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years without the approval of the board of education of the school district within the territory of which the improvements are or will be located if the ordinance declaring improvements to a parcel to be a public purpose specifies that service payments in lieu of taxes provided for in Section 5709.42

of the Ohio Revised Code shall be paid to the school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation; 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 and in accordance with the provisions of Section 5709.41 of the Revised Code, this Council finds and determines that 100% of the increase in assessed value of the Property after its acquisition by the City (which increase in assessed value is referred to as "Improvement" as defined in Section 5709.41 of the Revised Code) will be a public purpose.

**Section 2.** That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 20 years beginning \_\_\_\_\_ 2005; and that in no event shall the exemption period extend beyond \_\_\_\_\_ 2026.

**Section 3.** That, under Section 5709.42 of the Revised Code, the owners of the Improvements shall make service payments for a period of 20 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

**Section 4.** That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the Cleveland Municipal School District ("District") in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

**Section 5.** That the Mayor or Director of Economic Development, with the approval of the Director of Law, is authorized to enter into one or more agreements with such parties as may be necessary or appropriate to effectuate the purposes of this ordinance.

**Section 6.** That under Section 5709.43 of the Revised Code there is hereby established a Steelyard Commons Urban Redevelopment Tax Increment Equivalent Fund ("Steelyard Commons TIF Fund"), 70% of which shall be used for acquisition of land and to make improvements to the Tow Path Trail and Canal Basin Park. Of this 70%, if there are remaining funds, they shall be used for additional connector trails.

The remaining 30% shall be used for retail assistance programs and other commercial and industrial initiatives, including land acquisition, within the City. This 30% will be used primarily for projects that offset the impacts of Steelyard Commons on adjacent neighborhood commercial districts, and use of these funds will be guided by the retail impact study currently underway. These funds will be disbursed quarterly as grants, on a competitive

basis, under criteria established by this Council and the Cleveland City-wide Development Corporation (CCDC). The CCDC will evaluate applications and make recommendations to this Council. Projects in the following categories will be eligible:

**Neighborhood Retail:** specifically those elements not funded by the existing Storefront Program (such as parking lots);

**Neighborhood Small and Start-up Businesses:** to assist with small business expansion, refine business plans, assist entrepreneurs to "get out of the garage and into a storefront," etc.;

**Neighborhood Arts Projects:** projects that enhance a neighborhood commercial/retail district;

**Neighborhood Streetscape:** in neighborhood commercial/residential districts;

**Neighborhood Industrial Sites:** planning, environmental site assessments, etc., of underused and/or abandoned neighborhood industrial sites; and

**Land Acquisition:** to support commercial development adjacent to the Tow Path Trail.

**Section 7.** That the service payments collected under Section 3 shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland to be deposited in the Steelyard Commons TIF Fund created by Section 6. With the approval of the Director of Economic Development and the Director of Law, money deposited in the Steelyard Commons TIF Fund shall be used to for the purposes described in Section 6.

**Section 8.** That the Director of the Office of Equal Opportunity shall engage in discussions with the County Engineer to explore how employment of local residents and minority and female business enterprises can best be advanced. The Director of the Office of Equal Opportunity shall report back to this Council on the results of those discussions and shall make recommendations on how to achieve those goals.

**Section 9.** That the signed letter from Mitchell Schneider, President of First Interstate Properties Ltd., dated December 2, 2005 to the Council Member of Ward 13 shall be placed in File No. 1780-05-A.

**Section 10.** That there is hereby created an Advisory Committee that shall consist of five members selected as follows: one (1) member shall be appointed by this Council; one (1) member shall be appointed by the Mayor; one (1) member shall be appointed by the County Commissioners; and two (2) members shall be appointed by the Ohio Canal Corridor. The meetings of the Advisory Committee may be conducted at City Hall and shall be open to the public. Each six months, the Advisory Committee shall report to the Council Committees on Community and Economic Development and the Employment, Affirmative Action & Training on all aspects of the Improvement, including without limitation, overall progress, success on reaching employment goals, and a description of any purchases made in support of the Improvement.

**Section 11.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

**Section 12.** 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.

## RULES OF COUNCIL

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

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

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

**Rule 1. Meetings—Place.** All meetings of the Council shall be held in the Council chamber in the city hall, unless otherwise ordered by the Council.

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

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

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

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

**Rule 6. Quorum.** A majority of all the members elected to Council shall be a quorum to do business, but a less number may adjourn from day to day and compel the attendance of absent members in the manner and under such penalties as shall be prescribed by ordinance.

**Rule 7. Order of Business.**

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

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

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

**Rule 8. The Calendar.** It shall be the duty of the clerk to have set aside conspicuously in the City Record a portion to be entitled "The Calendar. The following measures will be on their passage at the next meeting." Under this title the clerk shall arrange and have printed in consecutive order by title all ordinances and resolutions which are on for passage at the next meeting of Council. In the event that any of such ordinances or resolutions have been amended the full text of the operative sections of such ordinance or resolution as amended shall be published in addition to the title

thereof. When action upon any measure appearing upon the calendar is postponed to a day certain such measure shall be considered on said day to which postponed whether or not it appears upon the calendar of said day.

**II. OFFICERS AND EMPLOYEES OF COUNCIL**

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

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

**Rule 11. The Vote Necessary for Election of President, Clerk and Other Employees of Council.** No candidate for President or Clerk of Council shall be declared elected unless he shall have received a majority vote of all members elected to Council and no person shall be employed by this Council except pursuant to a majority vote of all the members elected to Council. No vacancy which Council is authorized to fill shall be filled except pursuant to majority vote of all members elected to Council.

**Rule 11-1. Roll Call upon Election of President, Clerk and Other Employees of Council, and Filling Vacancies in the Membership of Council.** Upon the roll call for the election of President of Council, Clerk of Council or employee of Council, or for filling any vacancy in the membership of Council, each member shall respond by stating the name of the candidate of his choice

eligible for such office or appointment, which candidate shall not be required to be a person duly nominated and whose nomination has been duly seconded, provided, however, that no members shall be excused from voting thereon except by unanimous consent.

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

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

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

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

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

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

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

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

### III. COMMITTEES OF COUNCIL

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

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

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

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

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

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

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

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

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

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

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

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

**D. COMMITTEE ON AVIATION AND TRANSPORTATION,** to which shall be referred all ordinances, resolutions and other matters pertain-

ing to the municipally-owned airports and any and all matters concerning aviation; and all ordinances, resolutions and other matters pertaining to bridges, harbors, river and lake travel, public transportation and bus, limousine and taxicab operations and all matters pertaining to the Department of Port Control, the Regional Transit Authority and the Port Authority.

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

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

**Rule 14-1. Removal of Members from Committees, i.e.,** The President of Council, may for cause, at any time, remove and replace any member or members of any standing committee established under Rule 14 or from any special committee or committees.

**Rule 15a. Committee Meetings.** A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its regular meetings at the time and place fixed in the schedule, as prepared by the President of Council and Clerk of Council in conference with the chairman of the several committees. Such schedule shall be approved by the Council and be posted upon the bulletin board in the office of the clerk. Should the chairman of a committee find it necessary to hold the meeting at another time and place, the chairman shall cause notice thereof to be given on the bulletin board at least twenty-four (24) hours before the new time fixed for the meeting. All committee meetings shall be open and a record of the attendance of members of the committee and the action taken there at shall be kept by the secretary of the committee in a record provided for that purpose. Such record shall be kept on file with the Clerk of Council and open to public inspection as other public records. No legislation

shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present.

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

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

**Rule 15d. Rules of Committees.** Except in case of obvious inconsistency or inapplicability committee hearings shall be governed by the rules applicable to council proceedings.

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

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

**Rule 16-1. Undisposed of Legislation Pending in Committees.** Legislation which at the date of the first Monday in January following a regular municipal election has not been acted upon by the committee or committees to which referred within the period of two years from the date of introduction in Council shall be deemed not recommended by said committee or committees and without objection shall be laid upon the table at the next regular meeting of Council thereafter.

**Rule 17. Committee of the Whole.** Upon motion that without objection of the Council resolve itself into a committee of the whole for the purpose of hearing from a person who is not a member of the Council, or for the purpose of considering business generally, the Council shall resolve itself into a committee of the whole for the purpose stated in the motion.

When the Council shall decide to go into committee of the whole, without objection the regular officers shall continue to serve, otherwise the Council shall appoint a Chairman to preside, and the presiding officer of the Council shall leave the chair. The rules of Council, in so far as practicable, shall be observed in the committee of the whole except that no limit shall be placed on the frequency of speaking, that the ayes and nays shall not be taken, and that a motion to rise and report progress shall always be in order and shall be decided without debate.

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

dent of Council shall determine the chairman of the joint committee from the chairmen of the standing committees that make up the joint committee.

**Rule 17-2. Subcommittee.** When determined to be in furtherance of the legislative process, the chairman of a standing committee and the President of Council may designate certain members of said standing committee to form a subcommittee thereof for the purpose of examining such matters as are identified by the chairman and President at the time the subcommittee is formed. At the completion of its work, the subcommittee shall report its findings to the entire standing committee or, in the discretion of the President of Council, the entire Council.

#### IV. DUTIES, PRIVILEGES AND DECORUM OF MEMBERS

**Rule 18. Roll Call of Council.** Every member shall be in his seat at the time of roll call, otherwise he shall not be recorded as present except upon special order of Council. The clerk shall publish in the City Record the names of the members present and absent.

**Rule 19. Duty to Vote.** Every member present shall vote on all questions upon the call of the yeas, and nays, unless excused by the unanimous consent of the Council; except that no member shall vote on any question in which he is financially interested or which in any way involves personal or private rights. Any member present, unless so excused, or excepted as above, who refuses to vote upon any question relating to the city government, upon which he may vote, when the yeas and nays are being taken shall be guilty of contempt of the Council, and may, for such contempt, be censured by a majority vote of the Council or may be expelled from the Council by a vote of two-thirds of all the members of the Council.

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

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

**Rule 22. Recording of Vote of Absent Member.** Any member, having been unavoidably absent, may at the next meeting be permitted to have



his vote recorded upon any question acted upon during such absence; provided such vote shall not change the result; and provided further that such member shall not be entitled to move a reconsideration of the question to be voted upon.

**Rule 23. Right of Floor.** When any member is about to address the Council he shall rise from his seat and respectfully address himself to the presiding officer, and when recognized by the chair shall confine himself to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under Rule 26.

**Rule 24. Time Limitation of Speaking.** No member shall be allowed to speak for a longer time than 4 minutes at any one time without the permission of Council.

No member shall speak more than once on the same legislation until every other member desiring to speak on that legislation shall have had an opportunity to do so.

Nor shall neither the Mayor nor any director speak longer than 4 minutes upon the same motion, ordinance or question without the consent of Council.

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

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

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

**Rule 28. Division of Question.** If the question contains two or more divisible propositions, the presiding

officer may, and upon request of a member, shall divide the same; but a motion to strike out a provision and insert a substitute is not divisible.

**Rule 29. Personal Privilege.** Any member may rise to explain a matter personal to him, and on stating that it is a matter of personal privilege, the member shall be recognized by the president, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than 2 minutes of time unless extended by consent of the Council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

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

## V. MOTIONS

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

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

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

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

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

amendments shall be put in their order before the main question. If the question, "Shall the main question be now put?" be decided in the negative the main question remains before the Council.

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

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

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

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

## VI. ORDINANCES AND RESOLUTIONS

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

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

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

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

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

**Rule 38-3. Request Legislation for Passage Under Suspension of the Rules.** The Clerk of Council shall not accept request legislation for passage on introduction under suspension of the rules unless furnished sufficient copies of such legislation to provide each member of Council therewith, together with a like number of copies of a statement by the Director of the requesting department setting forth the reasons requiring the immediate action thereon.

Request legislation for passage on introduction under suspension of the rules at the last meeting prior to the Summer recess of Council or at the final meeting of Council in any odd numbered year shall not be accepted by the Clerk of Council unless the required statement bears the recommendation of the Mayor and the approval of the President of Council. To the extent that circumstances permit all such legislation shall be considered informally by at least one committee of Council, to which such legislation would otherwise be referred.

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

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

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

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

**Rule 41-1. Re-reference to Committee.** Any pending legislation may, by a vote of a majority of the members elected to Council, be referred to any committee to which previously referred under these rules, or to any appropriate committee designated in the motion to re-refer. When referred back to the Council such legislation shall have the same standing as it had at the time when re-referred.

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

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

**Rule 43. Three Readings.** No ordinance or resolution shall be passed until it has been read on three separate days; unless the reading on three separate days has been dispensed with by a two-thirds vote of all members elected to Council. The final reading shall be in full unless a written or printed copy of the measure shall have been furnished to each member of the Council prior to such reading. Copies of all first reading ordinances and resolutions to be introduced for passage and adoption under suspension of the rules and without reading on three separate days shall be delivered to each member of the Council either by messenger or mail addressed to his mailing address, so that such copy or copies shall be in his hands or at his mailing address at least twenty-four (24) hours prior to the date of introduction. No motion to suspend the rules shall be entertained unless the member making such motion or the Director of the department involved sets the reason for the suspension forth. When it is desired to suspend this and rule 41 in order to permit the passage of legislation upon introduction the question on the motion for such suspension shall be as follows: "Shall the Charter and statutory provisions and rule 43 requiring reading on three separate days and rule 41 requiring reference to committees be dispensed with and Ordinance No. ... (Resolution No. ...) be placed on final passage?" If two-thirds of all the members elected to Council vote aye the Charter, statutory and rule requirements requiring reading on three separate days and reference to committees shall be suspended.

As an exception to the foregoing, resolutions of condolence and congratulatory resolutions, copies of which have been placed upon the desks of the members prior to the meeting, shall be read by title only and adopted viva voce or by rising vote.

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

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

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

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

**Rule 46. Ordinances Fixing Fines and Penalties.** All ordinances imposing fines, penalties, forfeiture or imprisonment shall be referred to the committee on legislation, and the director of law shall be asked to give an opinion thereon.

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

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

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

**Rule 50. Action on Mayor's Veto.** When the Mayor refuses to sign an ordinance or resolution or part thereof and returns such ordinance or resolution to the Council with his objections, the Council shall at the next meeting following the meeting at which such vetoed ordinance or resolution is returned, if such meeting shall occur not less than one (1) week after receipt of such ordinance or resolution, proceed to reconsider the same. After the adoption of the motion so to reconsider, the question shall be stated as follows: "Shall Ordinance No. (Resolution No.) be passed (or adopted) notwithstanding the veto of the Mayor? Those voting aye vote to override the Mayor's veto. Those voting nay vote to sustain the Mayor's veto." If two-

thirds of all the members elected to Council vote aye such ordinance or resolution vetoed by the Mayor shall take effect without his signature.

## VII. ADMINISTRATIVE OFFICERS

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

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

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

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

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

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

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

**Rule 53. Report or Status of Pending Measures.** The City Clerk shall keep the members of Council informed regarding the status of pending ordinances. All ordinances and resolutions to be acted upon by committees or the Council on Monday shall be in the hands of the Clerk not later than the preceding Friday at 11:00 A.M.

**Rule 54. Approval of Council of Appointments by Mayor.** Whenever the approval of Council is required for appointments by the Mayor the President of Council, upon request of the Mayor for approval of any appointment, shall forthwith appoint a select committee of five (5) members to which shall be referred the name of each person whose appointment is submitted for approval of Council. Not later than the second meeting of Council following such reference, the select committee shall report to Council its recommendation thereon. Thereupon Council as part of the appropriate order of business shall proceed to vote upon the approval of each appointment; the question being "Shall the Council approve the appointment by the Mayor?" If a majority of all the members elected to Council vote aye, the Council shall approve such appointment.

## VIII. COUNCIL CHAMBER

**Rule 55. Use of Council Chamber.** The Council chamber shall be used only for meetings of the Council or committees thereof, except where the Council by vote authorizes its use by persons other than city officials. The clerk, with the written approval of the President of Council, may permit other public officials to use the Council chamber on public business, when not in use by the Council or committees.

**Rule 56. Privileges of Floor.** No person except members or former members of the Council, officers named in the rules, reporters and persons invited by the President of Council or by vote of the Council shall be admitted within the bar of the Council chamber, and the sergeant-at-arms shall cause this rule to be rigidly enforced.

**BOARD OF CONTROL**

December 28, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 28, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Absent: Director Routen.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

E. Nunez, Commissioner, Office of Equal Opportunity.

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

**Resolution No. 738-05.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of December, 2005 in the amount of \$40,924.25 attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 739-05.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of December, 2005 in the amount of \$9,208.35 attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 740-05.**

By Director Baker.

Whereas, under the authority of Ordinance No. 223-05 passed by the Council of the City of Cleveland on March 7, 2003, Board of Control Resolution No. 677-05, adopted December 7, 2005, affirmed and approved BJB Enterprises, Inc. dba Cuyahoga Siding Windows & Gutters as lowest and best bidder for the City's requirements for an estimated quantity of window washing services for various divisions of City government, Department of Finance; and Whereas, BJB Enterprises, Inc. dba Cuyahoga Siding Windows & Gutters failed to fulfill the promises made in its bid to furnish a satisfactory performance bond and execute a contract within five (5) days after notice of an award of contract; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland, that BJB Enterprises, Inc. dba Cuyahoga Siding Windows & Gutter which this Board affirmed and approved by Resolution No. 677-05, adopted December 7, 2005, as lowest and best bidder for the City's requirements for an estimated quantity of window washing services, is declared to be in default of its bid promises, as result of which its bid check shall be forfeited to the City as the agreed amount of liquidated damages.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 741-05.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of All Star Window Cleaning, Inc. for an estimated quantity of window washing services, all items, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on November 2, 2005, under the authority of Ordinance No. 223-05 passed March 7, 2005, which on the basis of the estimated quantity would amount to \$144,975.00 (3%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance 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. 161274

which shall be certified against the contract in the sum of \$9,950.00.

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

requisitions separately certified against the contract.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 742-05.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 354-05, passed by the Council of the City of Cleveland on April 4, 2005, Creative Works, Inc. 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 professional services necessary to perform research, writing, creative design, photography, artwork, layout, preparation of camera ready artwork, offset lithographic reproduction and distribute the 2004 and 2005 Annual Reports for the Division of Water Pollution Control, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Creative Works, Inc. based upon its proposal dated September 19, 2005, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as described in the proposal, for an aggregate fee not in excess of \$42,730.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors to Creative Works, Inc. for the above-mentioned professional services are approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>	
<u>MBE/FBE</u>		
Photography by Tony MBE		\$ 5,000.00 (11.70%)
Vedda & Sons Printing		\$ 7,180.00
Andrew Johns, Inc.		\$10,700.00

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 743-05.**

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 582-04, adopted October 13, 2004, under the authority of Ordinance No. 2427-

03, passed by the Council of the City of Cleveland on February 2, 2004, approving CH2M Hill, Inc. as the firm to be employed by contract for professional services to provide comprehensive financial plans including cost of service/rate & fee analysis, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, is amended by decreasing the subcontract amount for Dingus & Daga, Inc. (MBE) from \$64,457.40 (5.99%) to \$15,958.59 (1.48%), increasing the subcontract amount for Tucker, Young, Jackson, Tull, Inc. (MBE) from \$96,058.12 (8.93%) to \$144,556.93 (13.44%), and by adding of Cognyst Consulting, LLC, \$44,568.00 (4.14%) as an approved subcontractor.

Be it further resolved that all other provisions of Resolution No. 582-04 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 744-05.**

By Director Ciaccia.

Whereas, on July 28, 2005, under authority of Ordinance No. 2295-04, passed by the Cleveland City Council on April 18, 2005, and Board of Control Resolution No. 358-05, adopted July 6, 2005, the City, through the Director of Public Utilities, entered into Contract No. 64563 with The Ruhlin Company for the public improvement of the Nottingham Water Works Plant Administration Building, for the Division of Water, Department of Public Utilities; and

Whereas, to date, neither the City nor Ruhlin has commenced performance of the Agreement; and

Whereas, as a result of certain events occurring since execution of the Agreement, the City and Ruhlin individually and mutually have determined that termination of the Agreement is in the parties' individual and mutual best interests and each desires to terminate the Agreement immediately, without commencing performance and without liability to or default by either party; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 358-05, adopted by this Board July 6, 2005, approving The Ruhlin Company as lowest responsible bidder for the public improvement of the Nottingham Water Works Plant Administration Building, for the Division of Water, Department of Public Utilities, is rescinded.

Be it resolved that the Director of Public Utilities is authorized to execute all documents and do all things necessary to effectuate the termination of Contract No. 64563 as approved above.

Be it further resolved that all bids received on May 13, 2005 for the public improvement of the Nottingham Water Works Plant Administration Building, for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 2295-04, passed April 18, 2005, are rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 745-05.**

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 9, 2005, for the estimated quantity of labor and materials to repair and maintain the high voltage static pipe-type transmission cable system and for emergency spill cleanup, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 1014-05 passed by the Council of the City of Cleveland on July 13, 2005, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 746-05.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the conditional bid of M-B Companies, Inc. for an estimated quantity of high speed, multi-function units of snow removal equipment (Item 1), except for such terms and conditions as are unacceptable to the Director of Law, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on October 21, 2005, 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 \$2,718,180 (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. 160302

which shall be certified against the contract in the sum of \$1,359,090.00.

The requirement contract shall further provide that the Contractor

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by M-B Companies, Inc. for the above-mentioned purchase is hereby approved:

Oshkosh Truck Corporation  
\$237,813.00 per unit — 52.49%

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

**Resolution No. 747-05.**

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on October 21, 2005, for high speed, multi-function tow behind broom/blower units of snow removal equipment (Item 2), for the various divisions of City government, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, are rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Ciaccia, Acting Director Savas, Director Ricchiuto, Acting Directors Nemeth, Smith, Director Thompson, Acting Director Wilbur, Directors Huth, Fumich, Taylor and Acting Director Cooper.

Nays: None.

Absent: Director Routen.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be estab-

lished 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

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## SCHEDULE OF THE BOARD OF ZONING APPEALS

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**TUESDAY, JANUARY 17, 2006**

**9:30 A.M.**

**Calendar No. 05-382:** 11601 Shaker Boulevard (Ward 6)

Patrick Shaker Properties LLC, owner, and Michael Downing, agent, appeal to change the use of a former service station site to a use for an office to be situated on a 223' x 146' corner lot in a Local Retail Business District on the northeast corner of Shaker Boulevard and East 116th Street at 11601 Shaker Boulevard; the proposed use being subject to the limitations of Section 343.01(b)(3) for a Local Retail District, where it may not exceed five persons at any one time, and contrary to Section 357.07(a) a 20' setback is proposed along Shaker Boulevard where a specific setback of 21' is required; and Section 352.09 requires an 8' wide transition strip for separation from a Two-Family District at the rear north side of the lot; and a 6' tall fence is proposed, contrary to the maximum height of 4' for a fence in an actual front yard of a non-residential district, as stated in Section 358.05 of the Codified Ordinances.

**Calendar No. 05-383:** 3601 Clinton Avenue (Ward 13)

Domestic Violence Center, owner, and Kathy Alexander appeal to construct a 745 square foot addition to an existing, legal nonconforming boarding house, situated on a 66' x 185' parcel in a Two-Family District on the south side of Clinton Avenue at 3601 Clinton Avenue; as proposed, the off-street parking provisions are contrary to Section 349.04(f), being located in the setback area, blocking access for dumpster pick up and conflicting with Section 339.02(a), where accessory parking is not permitted within 10' of a building; and instead of 28' a front yard depth of 25' is proposed contrary to Section 357.04(a); and the proposed expansion requires the Board of Zoning Appeals approval according to Section 359.01 of the Codified Ordinances.

**Calendar No. 05-384** 12115 Euclid Avenue (Ward 9)

Rapid Stop Properties LLC, owner, and Ibrahim Najjar appeal to construct a 30' x 34' one-story retail

store and two service station fuel pumps on an irregular shaped lot located in a Semi-Industry District on the north side of Euclid Avenue at 12115 Euclid Avenue; with the pump islands proposed at 13' from the property line and the canopy at a 2' distance, instead of the required 20' from the property line adjacent to the public right-of-way, as stated in Section 343.15(b)(2) of the Codified Ordinances.

**Calendar No. 05-385:** 443 East 114th Street (Ward 9)

Tiffany Fulton, owner, and Mekhai Jackson, tenant, appeal to establish use as a Type A Day Care in an existing, two-story single family dwelling, situated on a 35' x 100' parcel in an A1 One-Family District on the east side of East 114th Street at 443 East 114th Street; the proposed Type A Day Care abuts a One-Family District and is subject to the limitations of Section 337.02(f)(3)(C), that require the Board of Zoning Appeals approval, if it is located less than 30' from an adjoining premises in a residential district not used for a similar purpose, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Secretary

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## REPORT OF THE BOARD OF ZONING APPEALS

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**TUESDAY, JANUARY 3, 2006**

At the meeting of the Board of Zoning Appeals on Monday, December 19, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 05-325:** 835 Brayton Avenue - Unit B-1

Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

**Calendar No. 05-326:** 835 Brayton Avenue - Unit B-2

Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

**Calendar No. 05-327:** 835 Brayton Avenue - Unit B-3

Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

**Calendar No. 05-328:** 835 Brayton Avenue - Unit B-4

Civic Builders appealed to erect a single family dwelling unit in a

five unit townhouse building in a Two-Family District.

**Calendar No. 05-329:** 835 Brayton Avenue - Unit B-5

Civic Builders appealed to erect a single family dwelling unit in a five unit townhouse building in a Two-Family District.

**Calendar No. 05-376:** 1850 Superior Avenue

Famicos Foundations appealed to construct a 500 square foot addition to a four-story apartment building in a Semi-Industry District.

The following appeal was **Denied**:

**Calendar No. 05-250:** 3664 West 46th Street

Patricia Jordan appealed to install approximately 203 linear feet of 6' high chain link fence in the side street yard of a corner lot in a Two-Family District.

The following appeal was **Withdrawn**:

**Calendar No. 05-332:** 2849 East 55th Street

Joe Immormino appealed to install 190 linear feet of 6' tall privacy fence to enclose a corner parcel in a Semi-Industry District.

The following appeals were **Postponed**:

**Calendar No. 05-377:** 83341 Broadview Road postponed to January 23, 2006.

**Calendar No. 05-335:** 7202 Union Avenue postponed to January 30, 2006.

In Executive Session on January 3, 2006, the following appeals heard by the Board on December 19, 2005 were adopted and approved.

The following appeals were **Approved**:

**Calendar No. 05-367:** 4313-4405 Cedar Avenue

Giancarlo Calicchia appealed to construct a parking lot on a 148' x 54' corner lot in a Multi-Family District.

**Calendar No. 05-368:** 6706-6710 Detroit Avenue

Gordon Square Homes LP appealed to expand by including four residential units on each of two upper floors in an existing three-story stores building in a General Retail Business District.

**Calendar No. 05-370:** 742-752 Starkweather Avenue

Cleveland Housing Network appealed to construct six condominiums on a corner parcel in a Local Retail Business District.

**Calendar No. 05-371:** 959 East 144th Street

Rogers Retirement Center, Inc. appealed to establish use as a day

care for school age children and an after school program in the lower level of an existing two-story elderly care facility in a Two-Family District.

**Calendar No. 05-372:** 10548 St. Clair Avenue

4HNB LLC appealed to change the use from a store to a day care in an existing one-story building on a corner parcel in a Local Retail Business District.

The following appeals were **Denied:**

**Calendar No. 05-373:** 10125-10127 Nanford Road

Abi Akl Said appealed to change the use of an existing two family dwelling to a three family dwelling in a Two-Family District.

**Calendar No. 05-374:** 735 East 126th Street

Tamara Benjamin appealed to establish use as a type A day care in the basement level of an existing two family dwelling in an A1 One-Family district.

The following appeals were **Dismissed:**

**Calendar No. 05-171:** 9918 Lorain Avenue

Fehim Coralic appealed to change the use from stores and suites to a community hall in a General Retail business District.

**Calendar No. 05-236:** 403-405 East 152nd Street

Richard Harris appealed to erect a wooden wheelchair ramp at the front of a two family dwelling in a Two-Family District.

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**REPORT OF THE BOARD  
OF BUILDING STANDARDS  
AND BUILDING APPEALS**

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NO MEETING

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**PUBLIC NOTICE**

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NONE

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**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, January 11, 2006  
1:30 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room

217, City Hall, Cleveland, Ohio, on Wednesday, January 11, 2006, at 1:30 p.m., to consider the following ordinances now pending in the Council:

**Ord. No. 1840-05.**

By Council Member Zone.

An ordinance to change the Use District of the rear half of a parcel of land on the South side of Elton Avenue from a Local Retail Business District to a Two-Family Residential District (Map Change No. 2162, Sheet Number 1).

**Ord. No. 1963-05.**

By Council Member Britt.

An ordinance establishing the a Pedestrian Retail Overlay (PRO) District along Larchmere Boulevard between East 121st Street and North Moreland Boulevard (Map Change No. 2167, Sheet No. 9).

**Ord. No. 1993-05.**

By Council Member Zone.

An ordinance changing the Use District of property on the northwest corner of Franklin Ave. and W. 65th St. to a Local Retail Business District and changing the Use, Area and Height Districts of property located on the east side of W. 65th St. from Franklin Avenue, including the north side, to Bridge Avenue to a Two Family Residential District, a 'B' Area District and a 'I' Height District (Map Change No. 2168, Sheet No. 1).

**Ord. No. 1994-05.**

By Council Member Britt.

An ordinance to change the zoning of the rear 50 feet of 8110 Carnegie Avenue from Local Retail Business to Semi-Industry (Map Change No. 2169, Sheet No. 5).

**Ord. No. 2043-05.**

By Council Members Cimperman, Lewis, Jackson and Britt.

An ordinance expanding the Midtown Business Revitalization District as shown on the attached map (Map Change No. 2170, Sheet Numbers 4 & 5).

**Ord. No. 2083-05.**

By Council Member Cimperman.

An ordinance to change the Use District of land bounded by East 55th Street, Bonna Avenue and East 58th Street as shown on the attached map to a Residence Industry District (Map Change No. 2172, Sheet No. 4).

**Ord. No. 2095-05.**

By Council Member Cintron.

An ordinance establishing the Clark Metro Business Revitalization District (Map Change No. 2082, Sheet Nos. 1 and 2).

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

Joseph C. Cimperman  
Chairman  
Committee on City Planning

December 28, 2005 and January 4, 2006

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**WEDNESDAY, JANUARY 11, 2006**

**Earle B. Turner Recreation Center  
— Gymnasium Renovations**

**(Phase 2),** for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 1264-03 and 2151-03, passed by the Council of the City of Cleveland, July 16, 2003 and December 15, 2003, respectively.

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

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 5, 2006 AT 2:00 P.M., EARLE B. TURNER RECREATION CENTER, 11300 MILES AVENUE, CLEVELAND, OHIO 44105.**

December 28, 2005 and January 4, 2006

**THURSDAY, JANUARY 12, 2006**

**Cab/Chassis with Small Refuse Packer**, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.  
THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 6, 2006 AT 2:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

**Cab/Chassis with USV Bodies, Medium and Large**, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 6, 2006 AT 2:30 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

**Aerial Boom Lift with Trailer**, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 6, 2006 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

December 28, 2005 and January 4, 2006

**FRIDAY, JANUARY 20, 2006**

**Painting of Streetside Elements**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1634-05, passed by the Council of the City of Cleveland, October 24, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 13, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

December 28, 2005 and January 4, 2006

**WEDNESDAY, JANUARY 25, 2006**

**Asphalt for Runways, Taxiways, Ramps and Roadways, Including Labor and Materials for Repair and Installation**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1872-05, passed by the Council of the City of Cleveland, October 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 13, 2006 AT 10:00 A.M., 19451 Five Points Road, CLEVELAND, OHIO 44135.

December 28, 2005 and January 4, 2006

**WEDNESDAY, JANUARY 18, 2006**

**Paper Contract**, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 2130-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 13, 2006 AT 11:00 A.M., DIVISION OF PRINTING, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 4, 2006 and January 11, 2006

**WEDNESDAY, JANUARY 25, 2006**

**Maintenance and Repair of Bridge and Special Lighting**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1633-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, JANUARY 18, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

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THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 19, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

**Unarmed, Uniformed Security Guards**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2133-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, JANUARY 17, 2006 AT 10:00 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 4, 2006 and January 11, 2006

**WEDNESDAY, FEBRUARY 1, 2006**

**Automotive Parts, Supplies and Services Necessary for Vehicle Maintenance, Including Labor and Materials for Repair and Installation**, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 1873-05, passed by the Council of the City of Cleveland, November 1, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 20, 2006 AT 10:00 A.M., 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

**Cleaning and Cement Mortar Lining Year 2006 — Area A**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 947-05, 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 ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 17, 2006 AT 11:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Cleaning and Cement Mortar Lining Year 2006 — Area B**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 947-05, 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 ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 17, 2006 AT 11:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, JANUARY 17, 2006 AT 9:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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E. 55th St., Bonna Ave. & E. 58th St. (land bounded by) — change the Use District  
— Residence Industry District (O 2083-05)..... 15

Elton Ave. (rear half of a parcel south) — change the Use District — Two-Family  
Residential District (O 1840-05) ..... 15

Franklin Ave. & W. 65th St. (northwest corner) — change the Use District — Local Retail  
Business District — W. 65th St. (east side) — change the Use, Area and Height  
Districts — Two Family Residential District, a ‘B’ Area District and a ‘I’ Height  
District (O 1993-05)..... 15

Larchmere Blvd. (between E. 121st St. & N. Moreland Blvd.) — establishing the Pedestrian  
Retail Overlay (PRO) District (O 1963-05) ..... 15

Midtown Business Revitalization District — expansion (O 2043-05)..... 15