

The City Record

Official Publication of the Council of the City of Cleveland



October the Fourth, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

Cleveland Convention Center, Clubroom A, 1220 East 6th Street
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Parking Facilities – Leigh Stevens, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Park Maintenance and Properties – Richard L. Silva, Commissioner
Public Auditorium – East 6th Street and Lakeside Avenue
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
Recreation – Kim Johnson, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall
DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Interim Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

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

DEPT. OF ECONOMIC DEVELOPMENT – Brian A. Reilly, Director, Room 210

DEPT. OF AGING – Jane Fumich, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec'y; Sharon Dumas, Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, OCTOBER 4, 2006

No. 4843

CITY COUNCIL

MONDAY, OCTOBER 2, 2006

The City Record

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Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

9:30 A.M. — **Public Parks, Prop-
erty & Recreation Committee:** John-
son, Chair; White, Vice Chair; Bran-
catelli, Cummins, Kelley, Polensek,
Turner.

9:30 A.M. — **Health & Human Ser-
vices Committee:** Britt, Chair; Cleve-
land, Vice Chair; Conwell, Kelley,
Reed, Santiago, Westbrook.

11:00 A.M. — **Public Service Com-
mittee:** Brady, Chair; Turner, Vice
Chair; Cleveland, Cummins, John-
son, Polensek, Reed, Santiago,
White.

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

MONDAY

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

TUESDAY

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

1:30 P.M. — **Employment, Affirma-
tive Action & Training Committee:**
Lewis, Chair; Santiago, Vice Chair;
Brancatelli, Coats, Conwell, John-
son, Turner.

WEDNESDAY—Alternating

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

10:00 A.M. — **Public Safety Com-
mittee:** Conwell, Chair; Brady, Vice
Chair; Britt, Coats, Cummins, Kel-
ley, Polensek, Santiago, Turner.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Com-
mittee:** Zone, Chair; Reed, Vice
Chair; Cleveland, Cummins, Dolan,
Kelley, Polensek, Santiago, West-
brook.

1:30 P.M. — **City Planning Com-
mittee:** Cimperman, Chair, West-
brook, Vice Chair, Conwell, Dolan,
Lewis, Reed, Zone.

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, October 2, 2006

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

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

Also present were Mayor Frank G.
Jackson, Ken Silliman, Chief of
Staff; Darnell Brown, Chief Operat-
ing Officer; Valarie J. McCall, Chief
of Government Affairs; Tracy Y.
Martin, Chief of Education; Debra
Linn Talley, Director of Equal Op-
portunity; Rebecca Schaltenbrand,
Legislative Affairs; Directors Trio-
zi, Dumas, Smith, Wasik, Flash, Cox,
Rush, Hutchinson, Reilly, Fumich,
Guzman, Griffin, Brown and Interim
Directors Ciaccia, Carroll and Rybka.

Pursuant to Ordinance No. 2926-76,
prayer was offered by Father
Richard Rasch of Our Lady of Mt.

Carmel Church West, located at 6928
Detroit Avenue in Ward 17. Pledge
of Allegiance.

MOTION

On the motion of Council Member
Zone, the reading of the minutes of
the last meeting were dispensed
with and the journal approved. Sec-
onded by Council Member Brady.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1656-06.

Re: New Application — 3274601 —
Gone Fish, Inc., d.b.a. Lola Bistro,
2058 East 4th Street, first floor and
basement. (Ward 13). Received.

File No. 1657-06.

Re: New Application — 1985503 —
Maher A. Dayem, d.b.a. Don's
Cheaper Stop, 4200 West 130th
Street. (Ward 19). Received.

File No. 1658-06.

Re: Transfer of Ownership Appli-
cation — 0717853 — Billy Day Enter-
prises, Inc., d.b.a. Dairy Mart, 3387
West 117th Street. (Ward 19). Re-
ceived.

File No. 1659-06.

Re: Transfer of Ownership Appli-
cation — 4225578 — Jai Ambaji, Inc.,
d.b.a. Hometown Grocery, 5611 Wood-
land Avenue. (Ward 5). Received.

File No. 1660-06.

Re: Transfer of Ownership Appli-
cation — 3675646 — Hafez, Corp.,
d.b.a. Fred's Deli, 11119 Detroit
Avenue, first floor only. (Ward 18).
Received.

File No. 1661-06.

Re: Transfer of Ownership Appli-
cation — 6483695 — N Yuk Yuk's
Bar & Grill, Inc., d.b.a. N Yuk N
Yuk's, 3314 Broadview Road, first
floor and basement. (Ward 15).
Received.

File No. 1662-06.

Transfer of Ownership Appli-
cation — 0083955 — Aizic, Inc., 3337
Rodge Road. (Ward 16). Received.

File No. 1663-06.

Re: Transfer of Location Appli-
cation — 15504980002 — Cleveland
State University, d.b.a. Fenn Tower
Panel Room, 1983 East 24th Street,
Fenn Tower Panel Room 303. (Ward
13). Received.

File No. 1664-06.

Re: Transfer of Ownership and
Location Application — 3163030 —
Richard Giamori, d.b.a. Tavern On

2nd Street, 2123 East 2nd Street. (Ward 13). Received.

File No. 1665-06.

Re: Transfer of Ownership and Location Application — 4261287 — JC & RC Enterprises, Inc., d.b.a. Euclid Green Lanes, 18310 Euclid Avenue. (Ward 10). Received.

File No. 1666-06.

Re: Stock Transfer Application — 6548672 — 1222 Prospect, Inc., d.b.a. Bottoms Up of Cleve, 1222 Prospect Avenue, first floor, basement and patio. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

- Res. No. 1681-06**—Doris Cleveland.
Res. No. 1667-06—Imam Muhammad Abdul Shabazz.
Res. No. 1668-06—Katie R. Lemons.
Res. No. 1669-06—Gwendolyn Potts.
Res. No. 1670-06 — Marie Ousley Richards.
Res. No. 1671-06—Jonathan Schroeder.
Res. No. 1672-06—Dan Owens.
Res. No. 1673-06 — Geraldine Globakar.
Res. No. 1674-06—Carl Bork.

CONGRATULATION RESOLUTIONS

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

- Res. No. 1675-06** — Cleveland Mosquitoes.
Res. No. 1676-06—The Mayo Society of Greater Cleveland.
Res. No. 1677-06—The First Hungarian Lutheran Church.
Res. No. 1678-06—Reverend Aaron L. Phillips.
Res. No. 1679-06 — The Chilcote Company.

APPRECIATION RESOLUTION

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

- Res. No. 1680-06**—Dr. Laurinda M. Hafner.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1617-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from Campus EAI Consortium for services and products necessary for developing and building an enterprise City web portal; including support and maintenance for a period of three years.

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

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

Section 1. That the Director of Finance is authorized to apply for and accept a grant in the amount of \$267,600, from Campus EAI Consor-

tium for services and products necessary for developing and building an enterprise City web portal; including support and maintenance for a period of three years; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 1617-06-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Finance is authorized to enter into an agreement with Campus EAI Consortium to effectuate the grant and the agreement shall include, but not be limited to, terms that provide warranties to the City and indemnification of the City for infringement and other potential claims.

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

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

Ord. No. 1618-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to refill, repair and replace fire extinguishers, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years for the necessary items of labor and materials necessary to refill, repair and replace fire extinguishers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the

requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118764)

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

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

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

Ord. No. 1619-06.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of messenger services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of

Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118764)

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

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

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

Ord. No. 1620-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of miscellaneous-sized steel plates, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years for the necessary items of miscellaneous-sized steel plates in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the

Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118764)

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

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

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

Ord. No. 1621-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of hand tools and hand-held power tools, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years for the necessary items of hand tools and hand-held power tools in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118764)

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

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

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

Ord. No. 1622-06.

By Council Member Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of moving services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118764)

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

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

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

Ord. No. 1623-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of towel and linen service, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of towel and linen service, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any com-

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118764)

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

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

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

Ord. No. 1624-06.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with AGT International, Inc. for professional services necessary to provide a software subscription and maintenance program of IRTM software for the Ohio Utilities Protection Service Processing application, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with AGT International, Inc. for professional services necessary to provide a software subscription and maintenance program of IRTM software for the Ohio Utilities Protection Service Processing application in the total sum of \$41,137.50, for the Division of Water, Department of Public Utilities, for a period of two

years. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. 171405.

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

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

Ord. No. 1625-06.

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

An emergency ordinance determining the method of making the public improvement of installing feeders at the Ridge Road substation; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing feeders at the Ridge Road substation, for the Division of Cleveland Public Power, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 58 SF 001 and 58 SF 002, Request No. 158174.

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

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

Ord. No. 1626-06.
By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to test, evaluate, repair, or replace roofs and appurtenances, for the Division of Water, Department of Public Utilities.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 171408)

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

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

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

Ord. No. 1627-06.
By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of valves, actuators, and appurtenances, and labor and materials necessary to maintain and repair various types of valves, actuators, and appurtenances, for the Division of Water, Department of Public Utilities.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 171354)

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

Section 4. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 1628-06.
By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1520-02, passed October 21, 2002, relating to the public improvement of installing chorine monitors to include water quality monitors.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 1520-02, passed October 21, 2002, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of installing chlorine monitors in secondary pump stations and storage facilities **and installing water quality monitors in appropriate locations;** and authorizing the Director of Public Utilities to enter into **one or more contracts** for the making of the improvement.

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of installing chlorine monitors in secondary pump stations and storage facilities **and installing water quality monitors in appropriate locations,** for the Division of Water, Department of Public Utilities by **one or more contracts** duly let to the lowest responsible bidder **or bidders** after competitive bidding **on a unit basis** for the improvement.

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

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1520-02, passed October 21, 2002, are repealed.

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

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

Ord. No. 1629-06.

By Council Members Zone, Britt, Cleveland, Dolan, Pierce Scott, Conwell, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to authorizing the Director of Public Service to apply to the Northeast Ohio Areawide Coordinating Agency for various bridge projects throughout the City; giving consent of the City of Cleveland to the improvements under the supervision of the State of Ohio, and proposing to cooperate with the State in certain matters incident to the improvements.

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

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

Section 1. That the Director of Public Service is authorized to apply to the Northeast Ohio Areawide Coordinating Agency ("NOACA") to pursue federal economic assistance, on behalf of the City of Cleveland, for the following projects in the following approximate amounts:

1. The replacement of the West 74th Street bridge (Bridge No. 1:063) over the Norfolk and Southern Railroad and G.C.R.T.A. between Madison Avenue and Franklin Boulevard (the "West 74th Street Project"), in the approximate amount of \$2,588,000;

2. The replacement of the Madison Avenue pedestrian bridge (Bridge No. 1:029) over the Norfolk and Southern Railroad and G.C.R.T.A. between West 65th Street and West 58th Street (the "Madison Avenue Project"), in the approximate amount of \$3,164,000;

3. The replacement of the Harvard Avenue bridge (Bridge No. 1:022) over Wheeling and Lake Erie Railroad between East 93rd Street and Martin Luther King Drive (the "Harvard Avenue Project"), in the approximate amount of \$2,504,000;

4. The replacement of the East 93rd Street bridge (Bridge No. 4016) over Norfolk and Southern Railroad and G.C.R.T.A. between Quincy Avenue and Woodhill Avenue (the "East 93rd Street Project"), in the approximate amount of \$4,848,000;

5. The rehabilitation of Lorain Avenue from West 150th Street to the Fairview Park Corporation Line (the "Lorain Avenue Project"), in the approximate \$2,720,000;

6. The construction of roadway and bridge improvements in the vicinity of East 116th Street and Shaker Boulevard, including the widening of the East 116th Street bridge ("the Uptown Shaker Boulevard Project"), in the approximate amount of \$3,640,000; and

7. The completion of the Project Development Process for the new pedestrian bridge connecting Voinovich Park to the Great Lakes Science Center (the "Voinovich Park Project"), in the approximate amount of \$496,000.

Section 2. That it is declared to be in the public interest, and the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("ODOT Director") to construct one or more of the improvements described above, under plans, specifications, and estimates approved by the ODOT Director.

Section 3. That the City proposes to cooperate with the State of Ohio in the cost of the above described improvements by assuming and contributing the entire cost and expense of the improvements less the amount of Federal highway funds or other funds sets aside by the ODOT Director and NOACA for the financing of one or more of these improvements from funds allocated by the Federal Highway Administration, United States Department of Transportation.

Section 4. That in the event there is any change in the Federal or State legislation or policy permitting a greater percentage of Federal or State participation of the actual costs of the projects described above are less than presently anticipated, then the City's payment or shall will be reduced accordingly and the excess funds shall be returned to the City of Cleveland.

Section 5. That the Director of Public Service is authorized, on behalf on the City of Cleveland, to enter into any agreements as are necessary to carry out the intent and purpose of this ordinance.

Section 6. That on completion of one or more of the improvements, the City will thereafter keep the highways open to traffic at all times and for each improvement:

a) Maintain the improvement under the provisions of applicable statutes and make ample financial and other provisions for its maintenance; and

b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State of Ohio and hold the right-of-way inviolate for public highway purposes, and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic in compliance with the provisions of Section 4511.11 and related sections of the Revised Code; and

d) Follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement under Section 4511.66 of the Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 7. a) That all existing street and public right-of-way within the City, which is necessary for the improvements described above shall be made available at the City's expense.

b) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the improvement and the companies have agreed to make any and all necessary plant removals or rearrangements in a manner as to be clear of any construction called for by the plans of the improvements and the companies have agreed to make the necessary rearrangements and immediately after notification by the City or the Department of Transportation.

c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other municipally-owned utilities and/or any of their appurtenances which do not comply with the provisions of Directive No. 28-A, whether inside or outside the corporate limits as may be necessary to conform to the improvements and the rearrangements shall be done at such time as requested by the State.

d) That the construction, reconstruction, and/or rearrangement of publicly or privately owned utilities referred to above shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvements and all backfilling of trenches made necessary by the utility rearrangements shall be performed under the provisions of the Ohio Department of Transportation Construction and Materials specifications and shall be subject to approval by the State.

e) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

f) That the City agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

Section 8. That the City will work cooperatively with other governmental units affected by these projects.

Section 9. That he City will abide by NOACA policies regarding planning, programming, and prioritizing road and bridge projects.

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

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

Ord. No. 1630-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various sized front-end loader dumpster containers and concrete receptacle lids, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the

Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period of the necessary items of various sized front-end loader dumpster containers and concrete receptacle lids, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130676)

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

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

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

Ord. No. 1631-06.

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

An emergency ordinance to amend the title, and Sections 1 and 2 of Ordinance No. 1228-98, passed December 14, 1998, relating to a consent agreement with the County for the rehabilitation and reconstruction of various bridges, to add the resurfacing of Triskett Road; to cause payment of the City's share of Triskett Road to the Cuyahoga County Commissioners for the improvement; to supplement the ordinance by adding new Section 9; and to renumber existing Sections 9 and 10 to new Sections 10 and 11.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 1228-98, passed December 14, 1998, are amended to read as follows:

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation and reconstruction of various bridges and a portion of **Triskett Road**; authorizing the Director of Public Service to enter into any agreements relative thereto; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement; and to cause payment of the City's share of the resurfacing **Triskett Road improvement to the Cuyahoga County Commissioners for the improvement.**

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is given to the Board of County Commissioners (the "County") to construct the following improvement in accordance with plans, specifications and estimates approved by the **County**: The rehabilitation or reconstruction of the St. Clair Bridge over Doan Brook; the West 130th Street bridge over a branch of Big Creek; the West 28th Street bridge over the subway to the Detroit Superior Bridge; the Harvard Avenue Bridge over Cuyahoga River; the Triskett Road bridge over Conrail & RTA; the Jennings Road bridge over Big Creek; the Bellaire Road bridge over Big Creek; and the resurfacing of **Triskett Road from the Triskett Road Bridge No. 195 to West 140th Street** (the "Improvement").

Section 2. That the City does give its consent to the Project and its administration by the Board of Commissioners of Cuyahoga County (the "Board"), provided that this ordinance shall not be construed to impose any financial obligation on the City for such Project, **except for the resurfacing of Triskett Road improvement from the Triskett Road Bridge No. 195 to West 140th Street, for which the City agrees to assume and contribute 50% of the construction contract.**

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1228-98, passed December 14, 1998, are repealed.

Section 3. That Ordinance No. 1228-98, passed December 14, 1998, is supplemented by adding new Section 9 to read as follows:

Section 9. That this Council authorizes payment to the County of the City's share of the resurfacing of Triskett Road improvement from the Triskett Road Bridge No. 195 to West 140th Street from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 175051.

Section 4. That existing Sections 9 and 10 of Ordinance no. 1228-98, passed December 14, 1998, are renumbered to new "Section 10" and "Section 11".

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

shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1632-06.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with KONE, Inc. for labor, equipment, and materials necessary for maintenance of KONE elevators, escalators, and moving walkways at Cleveland Hopkins International Airport, for the Department of Port Control.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than KONE, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts with KONE, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed one or two years for labor, equipment, and materials necessary for maintenance of KONE elevators, escalators, and moving walkways at Cleveland Hopkins International Airport, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 158664)

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

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

Ord. No. 1633-06.

By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair elevators, escalators, and moving walkways for the various divisions of the Department of Port Control.

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

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

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

Section 2. That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 158663)

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

Section 4. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 1634-06.

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

An emergency ordinance determining the method of making the public improvement by requirement contract of repairing, replacing, rehabilitating, and maintaining runways, taxiways, ramps, and roadways for the various divisions of the Department of Port Control; authorizing the Director of Port Control to enter into one or more public improvement requirement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants necessary to manage, and plan the pavement management program and to provide testing and design services; and authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to make the improvement for a period of two years.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing, replacing, rehabilitating, and maintaining runways, taxiways, ramps, and roadways for the various divisions of the Department of Port Control, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision

is made for the requirements for the entire term.

Section 3. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to manage and plan the pavement management program and to provide testing, design, and construction management services.

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

Section 4. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of asphalt and concrete and other materials necessary to address pavement distresses or failures and otherwise repair and maintain the runways, taxiways, ramps, and roadways, including steel, rebar, sealants and other compounds, and other materials, equipment, supplies, and services necessary for pavement management, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges, grants, the Airport Development Fund as defined in the First Amendment to the Airline Agreement and Lease and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150595)

Section 6. That under Section 108(b) of the Charter, the purchases

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

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

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

Ord. No. 1635-06.

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

An emergency ordinance determining the method of making the public improvement of constructing Phase II of the Consolidated Maintenance Facility at Cleveland Hopkins International Airport, including all structures, foundations, and components; authorizing the Director of Port Control to enter into one or more public improvement contracts to construct the improvement; authorizing the Director to employ one or more professional consultants necessary to design all aspects of the improvement; and authorizing the purchase by one or more contracts of equipment and components for a fueling station, fire protection system, and electrical and HVAC components needed for Phase II of the Consolidated Maintenance Facility, for the Department of Port Control.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing Phase II of the Consolidated Maintenance Facility at Cleveland Hopkins International Airport, including all structures, foundations, and components (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more public improvement contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be

treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design all aspects of the Improvement.

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

Section 4. That the Director of Port Control is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: equipment and components for a fueling station, fire protection system, and electrical and HVAC components needed for Phase II of the Consolidated Maintenance Facility to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges, grants, the Airport Development Fund as defined in the First Amendment to the Airline Agreement and Lease and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 150596.

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

Referred to Directors of Port Control, City Planning Commission,

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

Ord. No. 1636-06.

By Council Member Cummins.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 23rd Street to Valerie R. Frederecks and Bradley D. Frederecks.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 009-02-188, as more fully described below, to Valerie R. Frederecks and Bradley D. Frederecks.

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

P. P. No. 009-02-188

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and described as follows to wit: And known as being part of Sublots Nos. 47, 48 and 49, in Moses Fish and Other's Subdivision of part of Original Brooklyn Township Lot No. 65 as shown by the recorded Plat in Volume V of Deeds, Page 257 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of West 23rd Street, 44 feet wide, at the Southwesterly corner of Jacob Schneider's Re-Allotment, of part of said Moses Fish and Others' Subdivision of a part of Original Brooklyn Township, Lot No. 65 and recorded in Volume 12 of Maps, Page 35 of Cuyahoga County Records; thence Easterly 141.97 feet along the Southerly line of said Jacob Schneiders' Re-Allotment to a point; thence Southerly 43.745 feet parallel with said Easterly line of West 23rd Street to a point; thence Westerly 142 feet parallel with the Northerly line of Fuller, Kain, and Krochles' Allotment, of part of Original Brooklyn Township Lot No. 65, to a point in said Easterly line of West 23rd Street, thence Northerly 42.73 feet along said Easterly line of West of 23rd Street, to the place of beginning, be the same, more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1637-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 65th Street to Johann Wheeler and Evelyn Wheeler.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-08-022, as more fully described below, to Johann Wheeler and Evelyn Wheeler.

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

P. P. No. 106-08-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 and the Northerly 8 feet and one inch of Sublot No. 4 in Samuel B. Strang Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records and together forming a parcel of land 36 feet 11 inches front on the Easterly side of East 65th Street (formerly Norwood Street) and extending back between parallel lines 132 feet and 4 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Easement contained in the instrument dated May 28, 1919 and recorded in Volume 2240, Page 504 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 1638-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 79th and Hough to Robert Earl Denson.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722

of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-001, as more fully described below, to Robert Earl Denson.

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

P. P. No. 118-09-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in George M. Spangler's Subdivision of part of Original One Hundred Acre Lot Nos. 339 and 342, as shown by the recorded plat in Volume 25 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the point of intersection of the Westerly line of East 79th Street (formerly East Madison Avenue), with the Southerly line of Hough Avenue, N.E.; (formerly Hough Avenue); thence Southerly along said Westerly line of East 79th Street, 84 feet; thence Westerly on a line parallel to said Southerly line of Hough Avenue, N.E. 130 feet; thence Northerly on a line parallel to said Westerly line of East 79th Street, 84 feet to the Southerly line of Hough Avenue, N.E.; thence Easterly along said Southerly line of Hough Avenue, N.E., 130 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Together with the benefit of a certain easement reserved in a deed from Arthur M. Gordon and wife to Parker Shackelton, dated November 6, 1913, and recorded in Volume 1531, Page 119, of the Records of Deeds of Cuyahoga County, Ohio; but subject to easement for a driveway over the Southerly 14 feet of the premises herein described, reserved in the deed from Arthur M. Gordon to The Amdon Realty and Investment Company, dated March 26, 1915, and recorded in Volume 1656, Page 415 of Cuyahoga County Records.

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

Section 4. That the consideration for the subject parcel shall be estab-

lished by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

Ord. No. 1639-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hough Avenue to Emmanuel A.M.E. Zion Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-01-003, as more fully described below, to Emmanuel A.M.E. Zion Church.

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

P. P. No. 118-01-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in George E. Dascomb Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Hough Avenue and extending back of equal width

229.35 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1640-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Linwood and East 65th Street to Hopewell Missionary Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No(s). 104-19-071 and 104-19-022, as more fully described below, to Hopewell Missionary Baptist Church.

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

P. P. No. 104-19-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 in Sweesy and Others' Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Subdivision in Volume 12 of Maps, Page 40 of Cuyahoga County Records. Said Sublot No. 59 has a frontage of 40 feet on the Northerly side of Linwood Avenue, N.E., (formerly Lean Avenue) and extends back between parallel line, 142-65/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 104-19-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 44.64 feet of Sublot No. 68 in Sweesy et.al. Re-Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and being 44.64 feet front on the West-erly side of East 65th Street (formerly Norwood Street) and extending back of equal width 71.20 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1641-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 84th Street to Anthony Williams.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 106-22-145, as more fully described below, to Anthony Williams.

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

P. P. No. 106-22-145

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 391, and bounded and described as follows:

Beginning at a point in the Westerly line of Van Ness Avenue, now known as East 84th Street, 917-17/100 feet Southerly from the Southerly line of Wade Park Avenue, now known as Wade Park Avenue, N.E.; thence Southerly along the Westerly line of East 84th Street, 45 feet; thence Westerly parallel with the Southerly line of Wade Park Avenue N.E., 102 feet; thence Northerly parallel with East 84th Street, 45 feet; thence Easterly parallel with the Southerly line of Wade Park Avenue N.E., 102 feet to the place of beginning, and being further known as Parcel No. 65 in L. M. Southern's Proposed Wade Park Avenue Allotment of a part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 1642-06.

By Council Member Reed.

An emergency ordinance designating the portion of East 140th Street between Abel Avenue and Benwood Avenue as "Anna 'Mama' Chatman Way" as a secondary and honorary designation.

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

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

Section 1. That the portion of East 140th Street between Abel Avenue and Benwood Avenue as "Anna 'Mama' Chatman Way" as a secondary and honorary designation.

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

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

Ord. No. 1643-06.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15316 Lucknow Avenue to Collinwood and Nottingham Villages Development Corporation.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, adminis-

tered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 112-17-079, as more fully described below, to Collinwood and Nottingham Villages Development Corporation.

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

P. P. No. 112-17-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 30 in Nelson Moses Subdivision of part of Original Euclid Township Lot No. 16, as shown by the recorded plat in Volume 10 of Maps, Page 17 of Cuyahoga County Records and being 40.00 feet front on the Southerly side of Lucknow Avenue, N.E., and extending back 142 feet 10 inches on the Easterly line, 142 feet 6 inches on the Westerly line and having a rear line of 40.00 feet, as appears by said plat.

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

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

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

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

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

Ord. No. 1646-06.
By Council Members Polensek, Turner, Brancatelli, Westbrook, Reed and Santiago.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 623.101 and 623.102 relating to sale to minors of aerosol containers of paint capable of defacing property.

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

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

Section 1. That the Codified Ordinances of the City of Cleveland are supplemented by enacting new Sections 623.101 and 623.102 to read as follows:

Section 623.101 Selling or furnishing aerosol containers of paint to minors prohibited

(a)(1) It shall be unlawful for any person, firm, or corporation to sell to another person, who is under the age of 18 years, any aerosol container of paint that is capable of defacing property without first obtaining bona-fide evidence of majority and identity.

(2) It shall be unlawful for any person, firm, or corporation to furnish or give to another person, who is under the age of 18 years, any aerosol container of paint that is capable of defacing property.

(b) For purposes of this subdivision, "bona-fide evidence of majority and identity" is any document evidencing the age and identity of an individual which has been issued by a federal, state or local governmental entity, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the federal Selective Service Act, or an identification card issued to a member of the armed forces.

(c) Subsection (a)(2) hereof shall not apply to the furnishing of an aerosol container of paint to a minor for the minor's use or possession while engaged in a lawful activity under the supervision and control of the minor's parent, guardian, teacher or employer.

(d) Subsection (a)(2) hereof shall not apply to aerosol containers of paint or related substances that are furnished for use in school-related activities as part of the instructional program when used under the control and supervision of a teacher, instructor or other adult supervisor for such activities, either within the classroom or on the site of a supervised project. These containers shall be inventoried by the teacher, instructor, or adult supervisor upon completion of the activity or project.

(e) After 30 days from passage of this section, all retail businesses within the City of Cleveland that sell or offer for sale aerosol containers of paint shall post in a conspicuous area near such containers a notice that states:

"WARNING: SALE OF SPRAY PAINT TO MINORS PROHIBITED"

"(1) It is unlawful in the City of Cleveland for any person under the

age of 18 to purchase an aerosol container of paint.

"(2) It is unlawful in the City of Cleveland for any person under the age of 18 to possess or to be furnished with an aerosol container of paint, except while engaged in a lawful activity under the supervision and control of a parent, guardian, teacher, or employer."

(f) After 30 days from passage of this section, whoever violates subsection (e) hereof is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).

(g) Whoever violates subsections (a)(1) or (a)(2) hereof is guilty of selling or furnishing an aerosol paint container to a minor, a misdemeanor of the first degree.

Section 623.102 Purchase or possession of aerosol containers of paint by minors prohibited

(a) It shall be unlawful for any person under the age of 18 years to purchase an aerosol container of paint that is capable of defacing property.

(b) It shall be unlawful for any person under the age of 18 to possess or to have under his control an aerosol container of paint that is capable of defacing property.

(c) It shall be unlawful for any person under the age of 18 years to possess or to have under his control an aerosol container of paint with purpose to deface property while on any public highway, street, alley, or way, or other public place, regardless of whether that person is or is not in any automobile, vehicle, or other conveyance.

(d) Subsection (b) hereof does not apply to the possession of an aerosol paint container by a person under the age of 18 in the circumstances described in subsections (c) and (d) of preceding Section 623.101.

(e) Whoever violates this section is guilty of unlawful purchase or possession of an aerosol container of paint, a misdemeanor of the first degree.

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 1250-05 (As a substitute for Ord. No. 1250-05).

By Council Members Westbrook, Brady and Conwell.

An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 630.01 through 630.05, relating to criminal activity as a nuisance.

Whereas, certain activities that are violations of the law that repeatedly occur at certain properties adversely affect citizens of the City

of Cleveland and are found to be nuisances; and

Whereas, properties that generate repeated calls for public safety service because of activities that are violations of the law place an undue and inappropriate burden on the taxpayers of the City, and an undue burden on the City's safety forces; and

Whereas, such repeated activities interfere with the comfortable enjoyment of life and property for the neighbors of those nuisance properties, lead to the deterioration of neighborhoods, and jeopardize the City's viability as responsible homeowners move out of neighborhoods where such activities recur; now, therefore,

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 630.01 through 630.05, to read as follows:

**Chapter 630
Criminal Activity Nuisances**

Section 630.01 Criminal Activity Nuisances Declared

(a) Activities, as defined in any of the following Codified Ordinances, occurring on properties in the City, and engaged in by an owner, occupant or invitee of the owner or occupant of the property, are declared to be nuisance activities. To be a nuisance activity, a criminal conviction is not necessary. There must be probable cause to believe that the activity occurred.

(1) Any animal violation under Sections 603.01 (Animals or Fowl at Large), 603.02 (Unmuzzled Dogs at Large), 603.04 (Dog Nuisances), 603.07 (Killing or Injuring Animals), 603.072 (Illegal Fights between Animals), 603.08 (Poisoning Animals), 603.09 (Cruelty to Animals), 603.091 (Neglect of Animals), 603.11 (Large Cats), 603A.03 (Keeping an Exotic Animal Without a Permit), 603A.08 (Care and Treatment of Exotic Animal Held Under Permit), 603A.14 (Facilities Housing Reptiles), 603A.17 (Snakes in Multi-Family Residences Prohibited), 604.03 (Control of Vicious and Dangerous Dogs) of the Codified Ordinances;

(2) Any disorderly conduct or disorderly activity violation under Sections 605.01 (Riot), 605.02 (Failure to Disperse), 605.03 (Disorderly Conduct; Intoxication), 605.05 (Misconduct at an Emergency), 605.06 (Inducing Panic), 605.07 (Making False Alarms), 605.071 (Making False Alarms), 605.10 (Unnecessary Noise), 605.14 (Minor's Curfew) of the Codified Ordinances;

(3) Any drug abuse violation under Chapter 607 of the Codified Ordinances;

(4) Any family offense violation under Sections 609.04 (Endangering Children), 609.10 (Contributing to Unruliness or Delinquency of a Child) of the Codified Ordinances;

(5) Any gambling violation under Chapter 611 of the Codified Ordinances;

(6) Any littering violation under Chapter 613 of the Codified Ordinances;

(7) Any liquor control violation under Sections 617.02 (Sales to and

Use by Minors; Securing Public Accommodations), 617.021 (Purchase, Consumption or Possession by Minor; Misrepresentation), 617.03 (Sales to Intoxicated Persons), 617.05 (Permit Required), 617.06 (Printed Warnings to be Posted), 617.08 (Hours of Sale or Consumption), 617.09 (Bottle Clubs) of the Codified Ordinances;

(8) Any obscenity and sex offenses violation under Sections 619.03 (Corruption of a Minor), 619.04 (Sexual Imposition), 619.05 (Importuning), 619.08 (Procuring), 619.09 (Soliciting), 619.10 (Prostitution), 619.12 (Disseminating Material Harmful to Juveniles), 619.14 (Possession of Obscene Material Involving Minor), 619.15 (Possession of Sexually-Oriented Material Involving Minor), 619.16 (Possession of Nudity-Oriented Material Involving Minor), 619.161 (Displaying Matter Harmful to Juveniles), 619.17 (Prohibited Conduct) of the Codified Ordinances;

(9) Any offense against another person under Sections 621.03 (Assault), 621.031 (Assault by a Minor; Parental Duty Imposed), 621.04 (Negligent Assault), 621.06 (Aggravated Menacing), 621.07 (Menacing), 621.08 (Unlawful Restraint), 621.09 (Coercion), 621.10 (Telephone Harassment), 621.11 (Threatening or Harassing Phone Calls), 621.14 (Hazing) of the Codified Ordinances;

(10) Any offense against property under Sections 623.02 (Criminal Damaging or Endangering), 623.03 (Criminal Mischief) of the Codified Ordinances;

(11) Any theft violation under Sections 625.05 (Petty Theft), 625.08 (Criminal Tools), 625.10 (Unauthorized Use of Property), 625.21 (Receiving Stolen Property), 625.27 (Trafficking In or Illegal Use of "WIC" Coupons) of the Codified Ordinances;

(12) Any weapons and explosives violation under Sections 627.03 (Using Weapons While Intoxicated), 627.05 (Failure to Secure Dangerous Ordnance), 627.06 (Unlawful Transactions in Weapons), 627.08 (Possession of Firearms by Minors), 627.14 (Sale of Long Bladed Pocket Knives), 627.15 (Sale or Possession of Sling Shots and Pea Shooters), 627.16 (Unlawful Display of Weapons), 627.17 (Possession or Use of Stench Bombs), 627.18 (Tear Gas Guns), 627.19 (Containers of Combustibles), 627.20 (Discharging Firearms), 627.21 (Jump Traps), 627.23 (Facsimile Firearms) of the Codified Ordinances;

(13) Any possession of firearms by children or possession or sale of assault weapons violation under Chapters 627A or 628 of the Codified Ordinances;

(14) Any handgun possession and sale violation under Chapter 674 of the Codified Ordinances;

(15) Any sound devices violation under Section 683.01 (Playing of Sound Devices Prohibited) of the Codified Ordinances;

(16) Any massage establishment violation under Chapter 683A of the Codified Ordinances;

(17) Any explosives violation under Chapter 387 of the Codified Ordinances;

(18) Any open burning violation under Section 277.09 of the Codified Ordinances.

b) When three or more nuisance activities as defined in division (a) occur on separate occasions on the same property within any thirty (30) day period, the Director of Public Safety, or his designee, may declare the premises to be a nuisance property and may abate the nuisance as provided in Section 630.02.

Section 630.02 Action to Abate Nuisances; Costs of Enforcement

(a) **Notice of Declaration of Nuisance.** The Director of Public Safety or his designee, upon finding that three (3) or more nuisance activities as defined in Section 630.01 have occurred on separate occasions within any thirty (30) day period on the same property, may cause a written notice and order to be served on the owner of the property declaring that the property is a nuisance property. This notice and order shall identify the nuisance activities, and the estimated costs to abate any future nuisance activity; shall state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in division (d) of this Section; and shall state the appeal process. The notice shall further state that if a fourth or subsequent nuisance activity as defined in Section 630.01 occurs later than thirteen (13) days after the date of the written nuisance declaration notice and within twelve (12) months of the date of the third or any subsequent nuisance activity, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of the abatement shall be charged to the owner of the nuisance property and may be certified as a lien on the nuisance property. Notice shall be deemed properly delivered by delivering it personally to the owner or leaving it at the owner's usual place of business or residence, or by mailing it to the owner, or, if it cannot be served in any of the other ways mentioned above, by publishing it once in a newspaper of general circulation within the City, or by posting it in a conspicuous place on the real estate involved.

(b) **Abatement.** If the Director of Public Safety or his designee determines that a fourth or subsequent nuisance activity as defined in Section 630.01 occurs later than thirteen (13) days after the date of the initial written nuisance declaration notice and within twelve (12) months after the date of the third or any subsequent nuisance activity, the City may abate the nuisance activity by using administrative and law enforcement actions, and the costs of the abatement shall be charged to the owner of the property and, if not paid, may be certified by the Commissioner of Assessments and Licenses to the County Auditor to be placed on the nuisance property as a lien to be collected as other taxes and returned to the City. The cost to abate the nuisance activity shall be calculated as set forth in division (c). The City shall provide notice to the owner of the nuisance property of the City's decision to charge the

cost of abatement. If the costs are not paid by the owner, the City shall notify the owner at least thirty (30) days before the costs are certified to the County Auditor. The notice shall contain a street address or legal description of the property, a description of the nuisance activities and the cost to abate. Notices shall be served as set forth in division (a) of this section. The Director of Law may take any other action necessary to collect the costs of abatement.

(c) **Costs of Abatement.** Costs of abatement shall be determined based on the time required to respond to the nuisance activity multiplied by an hourly rate based upon the wages and benefits of a police officer, dispatch costs, vehicle and equipment costs, and supervisory and administrative costs. The hourly rate may be adjusted based on the number of police officers required to abate the nuisance.

(d) **Nuisance Abatement Plan.** The owner of a nuisance property may avoid being charged the cost of abating future nuisances if the owner meets with the Director of Public Safety or his designee; presents a plan to prevent further nuisance activity and that plan is approved by the Director of Public Safety or his designee; and implements the plan.

(e) **Appeal.** The owner of a nuisance property who receives a notice declaring the owner's property to be a nuisance property, a notice charging the cost of abating nuisance activity, or a notice that the cost of abatement shall be certified to the County Auditor, may appeal the notice by submitting a written request to the City official who issued the notice within ten (10) days of the date of the notice. If, after a decision on that appeal, the owner disagrees with the decision, the owner may appeal the decision of the City official to the Board of Zoning Appeals. An appeal to the Board of Zoning Appeals shall be made within fifteen (15) days of the date of the decision from the City official denying the appeal. The Board shall conduct a hearing and render a decision in accordance with City ordinances and regulations governing its conduct and procedure. An appeal to the Board of Zoning Appeals shall not stay any actions by the City to abate any subsequent nuisance activity. In an appeal to the Board of Zoning Appeals of a nuisance declaration notice, the City must show by a preponderance of the evidence that there was probable cause to believe that each nuisance activity stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property is justified. In an appeal to the Board of Zoning Appeals of a notice charging the cost of abating nuisance activity, or a notice that the cost of abatement shall be certified to the County Auditor, the City must show by a preponderance of the evidence that the charging of abatement costs or the certification of abatement costs is justified. The owner may prevail on appeal of any notice if the owner demonstrates by a preponderance of the evidence that:

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but promptly and vigorously took all actions necessary to abate the nuisance activity including, without limitation, compliance with the requirements of division (C) of Section 5321.17 and division (A)(9) of Section 5321.04 of the Revised Code; or

(3) He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of division (C) of Section 5321.17 and division (A)(9) of Section 5321.04 of the Revised Code.

Section 630.03 Failure to Abate Nuisance Activity

(a) Whenever a property owner has been billed on three (3) or more separate dates within a two-year time period for the cost to abate nuisance activity under this Chapter, the Director of Public Safety, or his designee, shall notify the property owner that he or she may be issued a criminal citation for a misdemeanor of the second degree thirty (30) days after the third bill is issued.

(b) No property owner shall fail to abate nuisance activity within thirty (30) days after the third bill within a two-year time period for the cost to abate nuisance activity under this Chapter.

(c) Whoever violates this section is guilty of failure to abate nuisance activity, a misdemeanor of the second degree.

Section 630.04 Other Legal Actions Not Affected

The declaration of a nuisance property, an order to abate a nuisance, or the charging or assess-

ment of costs by the City on a property under this chapter, do not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances, including legal action brought under Sections 619.24 and 619.25 of the Codified Ordinances.

Section 630.05 Severability

If any clause, sentence, paragraph or part of this chapter, or its application to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Chapter nor the application of such clause, sentence, paragraph or part to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is declared to be the legislative intent that this Chapter would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Without objection, substitute Ordinance agreed to, Ordinance No. 1250-05 laid on the table pursuant to the Rules of Council.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1644-06.
By Council Member Pierce Scott.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Famicos Foundation to stretch a

banner on East 105th between Ashbury & Wade Park, for the period from October 10, 2006 to November 10, 2006, inclusive, publicizing Heritage Lane.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Famicos Foundation to install, maintain and remove a banner on East 105th between Ashbury & Wade Park, for the period from October 10, 2006 to November 10, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1647-06.

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

An emergency ordinance to amend Sections 37, 40, and 41 of Ordinance No. 289-06, passed March 27, 2006, relating to compensation for various classifications.

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

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

Section 1. That Sections 37, 40, and 41 of Ordinance No. 289-06, passed March 27, 2006, are amended to read as follows:

Section 37. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Manager.....	\$26,273.96	\$ 83,395.52
2. Airport Operations Manager.....	\$26,273.96	\$ 83,395.52
3. Airport Safety Chief.....	\$26,273.96	\$ 83,395.52
4. Assistant Commissioner of Administrative Services.....	\$26,273.96	\$ 83,395.52
5. Assistant Commissioner of Cleveland Public Power.....	\$27,325.56	\$114,083.84
6. Assistant Commissioner of Code Enforcement.....	\$26,273.96	\$ 83,395.52

7.	Assistant Commissioner of Construction Permitting.....	\$26,273.96	\$ 83,395.52
8.	Assistant Commissioner of Information Technology and Services	\$23,647.11	\$ 80,188.16
9.	Assistant Commissioner of Motor Vehicles Maintenance	\$26,273.96	\$ 83,395.52
10.	Assistant Commissioner of Neighborhood Development.....	\$26,273.96	\$ 83,395.52
11.	Assistant Commissioner of Neighborhood Revitalization	\$26,273.96	\$ 83,395.52
12.	Assistant Commissioner of Neighborhood Services.....	\$26,273.96	\$ 83,395.52
13.	Assistant Commissioner of Streets.....	\$26,273.96	\$ 83,395.52
14.	Assistant Commissioner of Waste Collection and Disposal	\$26,273.96	\$ 83,395.52
15.	Assistant Commissioner of Water Pollution Control.....	\$26,273.96	\$ 83,395.52
16.	Assistant Director of Community Relations Board.....	\$26,273.96	\$ 83,395.52
17.	Assistant Income Tax Administrator.....	\$26,273.96	\$ 83,395.52
18.	Assistant Superintendent of Electric Transmission and Distribution.....	\$26,273.96	\$ 68,388.32
19.	Building and Housing Executive Assistant.....	\$26,273.96	\$ 83,395.52
20.	Chief of Air Pollution Enforcement.....	\$22,333.40	\$ 74,917.44
21.	Chief of Air Pollution Engineering	\$22,333.40	\$ 74,917.44
22.	Chief of Air Pollution Information Systems.....	\$22,333.40	\$ 74,917.44
23.	Chief of Air Pollution Monitoring	\$22,333.40	\$ 74,917.44
24.	Chief Civil Service Examiner	\$26,273.96	\$ 66,075.36
25.	Chief of Pharmacy Service	\$26,273.96	\$ 83,395.52
26.	Chief of Pumping	\$26,273.96	\$ 82,482.40
27.	Chief of Water Distribution	\$26,273.96	\$ 85,696.00
28.	Chief Training Officer.....	\$26,273.96	\$ 66,075.36
29.	City Hall Custodian.....	\$26,273.96	\$ 66,075.36
30.	Community Development Executive Assistant.....	\$26,273.96	\$ 83,395.52
31.	Contract Compliance Officer.....	\$26,273.96	\$ 66,075.36
32.	Deputy Commissioner of Accounts	\$26,273.96	\$ 82,482.40
33.	Deputy Commissioner of Air Pollution Control.....	\$26,273.96	\$ 76,980.80
34.	Deputy Commissioner of Airports.....	\$26,273.96	\$ 76,980.80
35.	Deputy Commissioner of Air Quality	\$26,273.96	\$ 76,980.80
36.	Deputy Commissioner of Convention Center and Stadium.....	\$26,273.96	\$ 76,980.80
37.	Deputy Commissioner of Convention Center.....	\$26,273.96	\$ 76,980.80
38.	Deputy Commissioner of Environment.....	\$26,273.96	\$ 76,980.80
39.	Deputy Commissioner of Health.....	\$26,273.96	\$ 76,980.80
40.	Deputy Commissioner of Information Technology and Systems Services.....	\$30,214.95	\$ 93,215.20
41.	Deputy Commissioner of Maintenance	\$26,273.96	\$ 76,980.80
42.	Deputy Commissioner of Park and Urban Forestry	\$26,273.96	\$ 76,980.80
43.	Deputy Commissioner of Parks and Urban Forestry/Golf Courses and Cemeteries.....	\$26,273.96	\$ 76,980.80
44.	Deputy Commissioner of Recreation.....	\$26,273.96	\$ 76,980.80
45.	Director of Public Health Nurses.....	\$26,273.96	\$ 76,980.80
46.	Fair Housing Administrator.....	\$31,500.00	\$ 82,182.88
47.	General Manager of Administrative Services.....	\$26,273.96	\$ 83,395.52
48.	Office of Professional Standards Administrator.....	\$26,273.96	\$ 66,075.36
49.	Manager of Human Resources Program Planning and Management.....	\$26,273.96	\$ 76,980.80
50.	Personnel Administrator	\$26,273.96	\$ 76,980.80
51.	Senior Budget and Management Analyst.....	\$26,273.96	\$ 73,035.04
52.	Superintendent of Industrial Claims	\$26,273.96	\$ 66,075.36
53.	Superintendent of Motorized Equipment	\$26,273.96	\$ 66,075.36
54.	Utilities Comptroller	\$26,273.96	\$ 83,395.52

Section 40. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. City Comptroller.....	\$42,758.15	\$128,648.00
2. City Treasurer.....	\$42,758.15	\$118,751.36
3. Chief Technology Officer.....	\$45,000.00	\$144,612.00
4. Commissioner of Accounts	\$40,314.82	\$123,235.84

5.	Commissioner of Administrative Services - Community Development.....	\$40,314.82	\$123,235.84
6.	Commissioner of Air Quality.....	\$42,758.15	\$128,648.00
7.	Commissioner of Architecture.....	\$42,758.15	\$137,793.76
8.	Commissioner of Assessments and Licenses.....	\$40,314.82	\$113,755.20
9.	Commissioner of Burke Airport.....	\$40,314.92	\$113,755.20
10.	Commissioner of Cleveland Hopkins International Airport.....	\$42,758.15	\$137,793.76
11.	Commissioner of Cleveland Public Power.....	\$45,201.46	\$160,680.00
12.	Commissioner of Code Enforcement.....	\$42,758.15	\$128,648.00
13.	Commissioner of Construction Permitting.....	\$42,758.15	\$128,648.00
14.	Commissioner of Convention Center.....	\$45,201.46	\$121,975.36
15.	Commissioner of Emergency Medical Services.....	\$42,758.15	\$128,648.00
16.	Commissioner of Engineering and Construction.....	\$45,201.46	\$136,764.16
17.	Commissioner of Environment.....	\$42,758.15	\$128,648.00
18.	Commissioner of Health.....	\$45,021.46	\$136,764.16
19.	Commissioner of House of Corrections.....	\$40,314.82	\$113,640.80
20.	Commissioner of Information Technology and Services.....	\$52,734.82	\$136,764.16
21.	Commissioner of Motor Vehicle Maintenance.....	\$40,314.82	\$123,235.84
22.	Commissioner of Neighborhood Development.....	\$40,314.82	\$113,755.20
23.	Commissioner of Neighborhood Revitalization.....	\$42,758.15	\$118,751.36
24.	Commissioner of Neighborhood Services.....	\$42,758.15	\$118,751.36
25.	Commissioner of Park Maintenance and Properties.....	\$42,758.15	\$137,793.76
26.	Commissioner of Parking Facilities.....	\$40,314.82	\$123,235.84
27.	Commissioner of Printing and Reproduction.....	\$40,314.82	\$123,235.84
28.	Commissioner of Property Management.....	\$45,201.46	\$136,764.16
29.	Commissioner of Purchases and Supplies.....	\$42,758.15	\$118,751.36
30.	Commissioner of Recreation.....	\$42,758.15	\$137,793.76
31.	Commissioner of Research/Planning and Development.....	\$40,314.82	\$123,235.84
32.	Commissioner of Streets.....	\$40,314.82	\$123,235.84
33.	Commissioner of Traffic Engineering.....	\$42,758.15	\$118,751.36
34.	Commissioner of Utilities Engineering.....	\$42,758.15	\$113,755.20
35.	Commissioner of Utilities Fiscal Control.....	\$40,314.82	\$113,755.20
36.	Commissioner of Waste Collection and Disposal.....	\$40,314.82	\$123,235.84
37.	Commissioner of Water.....	\$45,201.46	\$160,680.00
38.	Commissioner of Water Pollution Control.....	\$40,314.82	\$123,235.84
39.	Deputy Director Department of Building and Housing.....	\$36,590.39	\$128,648.00
40.	Income Tax Administrator.....	\$42,758.15	\$128,648.00
41.	Manager of Internal Audit.....	\$40,314.82	\$113,755.20

Section 41. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administration Bureau Manager.....	\$40,314.82	\$123,235.84
2. Assistant Manager - Applications Development and Technical Support.....	\$46,224.91	\$116,484.16
3. Assistant Manager - Data Processing Operations.....	\$46,224.91	\$107,525.60
4. Assistant to Manager of Planning.....	\$46,224.91	\$107,525.60
5. Deputy Commissioner of Cleveland Public Power.....	\$46,224.91	\$121,045.60

Section 2. That existing Sections 37, 40, and 41 of Ordinance No. 289-06, passed March 27, 2006, are repealed.

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

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

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

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

Res. No. 1616-06.

By Council Member White.

An emergency resolution supporting the Union Miles Development Corporation's Clean Ohio Assistance Fund grant application to the Ohio Department of Development for asbestos abatement and demolition of certain buildings for development of the Miles Shopping Center.

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

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

Section 1. That this Council supports the Union Miles Development Corporation's Clean Ohio Assistance Fund grant application to the Ohio Department of Development for asbestos abatement and demolition of certain buildings located at 4141 East 131st Street, 4159 East 131st Street, 13109 Miles Avenue, 13201 Miles Avenue, and 13205 Miles Avenue for development of the Miles Shopping Plaza.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Ohio Department of Development, the Cuyahoga County Board of County Commissioners and Union Miles Development Corporation.

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

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

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

Res. No. 1645-06.

By Council Members Cimperman and Cummins.

An emergency resolution urging United States Senator Mike DeWine to support meaningful legislation to fix the Medicare Part D prescription drug program and eliminate the "donut hole" so that Medicare health care coverage is simple, affordable, and guaranteed for seniors and disabled Ohioans.

Whereas, on September 22, 2006, as part of Americans United "National Donut Hole Day," Ohioans United and local victims of the Medicare Part D prescription drug program "donut hole" coverage gap demonstrated outside of United States Senator Mike DeWine's office to urge Congress to fix Part D today; and

Whereas, the average senior and disabled Ohioan falls into the Medicare Part D "donut hole" gap in coverage for members whose annual drug cost are between \$2,250 and \$5,100, and are forced to pay full cost of their prescription drugs on top of their costly monthly premiums; and

Whereas, seniors and disabled Ohioans who missed the deadline to

sign up for the Medicare Part D prescription drug program will be slapped with a minimum of a 7% life-time penalty to their monthly premiums when they are eventually allowed to be covered by a Part D plan again in January 2007; and

Whereas, dozens of private insurance plans with different co-pays, coverage drug lists, and deductibles are complicated and confusing, causing thousands of seniors and disabled Ohioans to sign up for the wrong plan or miss the deadline for coverage; and

Whereas, seniors whose prescription drug benefits are capped, similarly to falling into the "donut hole," are more likely to skip doses of treatments, less likely to visit hospital emergency departments, and have 22% higher mortality rates than those without capped benefits, according to a study in the New England Journal of Medicine; and

Whereas, Part D prohibits Medicare from negotiating with drug companies to get better prices for seniors, which has resulted in prices that are at least 50% higher than those negotiated by the Veterans Administration for veterans; and

Whereas, insurance companies are allowed to take drugs off their approved coverage list during the year, but patients are locked in and cannot change plans until the next year; and

Whereas, this Council urges Congress to fix Part D by closing the "donut hole" gap in coverage for annual costs between \$2,250 and \$5,100 that had resulted in millions of seniors being denied prescription drug coverage each year while they still pay monthly premiums; and

Whereas, this Council urges Congress to reduce the cost of prescription drugs by requiring Medicare to negotiate lower prices from drug companies, just as the Veterans Administration does for veterans; and

Whereas, this Council urges Congress to allow seniors the choice of obtaining their prescription drug plan directly from Medicare instead of from a private insurance company; and

Whereas, this Council urges Congress to prohibit insurance company bureaucrats from taking medications off their list of approved drugs during the period when someone is not allowed to move to another plan; and

Whereas, this Council urges Congress to eliminate the penalty for failing to sign up for a plan until the Part D is fixed; and

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

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

Section 1. That this Council urges United States Senator Mike DeWine to support meaningful legislation to fix the Medicare Part D prescription drug program and eliminate the "donut hole" so that Medicare health care coverage is simple, affordable, and guaranteed for seniors and disabled Ohioans.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to United States Senator Mike DeWine,

Americans United, Ohioans United, and Major Jackson.

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

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

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

Res. No. 1648-06.

By Council Member Cimperman.

An emergency resolution supporting the grant application of the Cuyahoga County Department of Development to the Clean Ohio Assistance Fund for up to \$750,000 for environmental remediation of the site to be used for the Flats East Bank Redevelopment project.

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

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

Section 1. That this Council hereby supports the grant application of the Cuyahoga County Department of Development to the Clean Ohio Assistance Fund for up to \$750,000 for environmental remediation of the site to be used for the Flats East Bank Redevelopment Project.

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

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

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

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

Res. No. 1649-06.

By Council Member Cimperman.

An emergency resolution supporting the grant application of the Cuyahoga County Department of Development to the Clean Ohio Assistance Fund for up to \$750,000 for environmental remediation of the site to be used for the Riverside Landing project.

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

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

Section 1. That this Council hereby supports the grant application of the Cuyahoga County Department of

Development to the Clean Ohio Assistance Fund for up to \$750,000 for environmental remediation of the site to be used for eventual sale as residential sites under the Riverside Landing project.

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

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

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

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

Res. No. 1650-06.

By Council Members Sweeney, Polensek, Cimperman, Pierce Scott, Conwell, Westbrook, Coats, Brady, White, Lewis, Britt, Turner and Cummins.

An emergency resolution supporting Issue 2 that, if passed by the voters on November 7, 2006, will raise the state minimum wage from \$5.15 to \$6.85 an hour.

Whereas, it is important to the health and welfare of all residents of the City of Cleveland that working people are paid a wage that enables them to lift their families out of poverty; and

Whereas, the buying power of the federal and state minimum wage of \$5.15 an hour is at its lowest point in over 50 years because it has not kept pace with the rising cost of living; and

Whereas, many working families in Cleveland live at or below the poverty line; and

Whereas, raising the minimum wage to \$6.85 an hour would raise wages for about 720,000 workers, or about 14% of Ohio's workforce; and

Whereas, on average, these workers provide half of their families' weekly earnings and nearly three-quarters are adults over twenty; and

Whereas, experience and research from the 22 states that have already raised their minimum wage shows that raising the minimum wage substantially helps families without hurting the economy; and

Whereas, productivity of Ohio workers has risen sharply but wages have remained stagnant; and

Whereas, at the same time U.S. corporate profits have risen 50% between 2001-2005; and

Whereas, increasing wages will increase the ability of Cleveland residents to attain self-sufficiency, decrease economic hardship in the City, and reduce the need for the taxpayers to fund social services in order to provide supplemental support for the employees of local businesses; and

Whereas, Ohioans for a Fair Minimum Wage — a broad coalition of community, labor and faith-based organizations and individuals across the state — have gathered

over 700,000 signatures from Ohio citizens and qualified Issue 2 for the November 2006 ballot; and

Whereas, this Council believes that hard work deserves fair pay, and urges voters to consider and approve Issue 2 on November 7, 2006 ballot, which would raise the state minimum wage from \$5.15 to \$6.85 an hour with an annual cost of living adjustment.

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

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

Section 1. That this Council supports Issue 2 that, if passed by the voters on November 7, 2006, will raise the state minimum wage from \$5.15 to \$6.85 an hour.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Ohioans for a Fair Minimum Wage.

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

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

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

Res. No. 1651-06.

By Council Members Zone and Cummins.

An emergency resolution proclaiming October 4, 2006 as ENERGY STAR Change a Light Day.

Whereas, energy efficiency is important to the City of Cleveland because it saves consumers and businesses money and helps protect the environment by lessening greenhouse gas emissions and reducing air pollution; and

Whereas, lighting accounts for nearly 20% of the average home's electric bill; ENERGY STAR qualified light bulbs use at least two-thirds less energy than standard bulbs and last up to ten times longer; and

Whereas, by taking the ENERGY STAR Change a Light pledge, citizens of the City have the opportunity to save energy and help voluntarily reduce greenhouse gas emissions by switching at least one light at home to an energy-efficient model; and

Whereas, citizens are encouraged to switch to light fixtures or bulbs that have earned the ENERGY STAR label, which designates products that meet strict energy efficiency criteria set by the U.S. Department of Energy and the U.S. EPA; and

Whereas, if every home in the City of Cleveland made this one change our city would save 127,552,656 kWh of electricity, the environmental equivalent of removing 3,207 cars from the road while also reducing the amount of green-

house gas emission going into the air by 201,232,560 pounds; and

Whereas, Cleveland City Council is proud to do its part in this nationwide effort, celebrating ENERGY STAR Change a Light Day, to promote energy efficiency and environmental stewardship in every household, and by encouraging the installation of ENERGY STAR qualified lighting; and

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

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

Section 1. That this Council hereby proclaims October 4, 2006 as ENERGY STAR Change a Light Day.

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

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

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

Res. No. 1652-06.

By Council Member Brady.
An emergency resolution objecting to the transfer of stock of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Heights Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a D1, D2, D3, D3A and D6 Liquor Permit at 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, 1st floor and basement, Cleveland, Ohio 44107, Permanent Number 9116441; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a D1, D2, D3, D3A and D6 Liquor Permit at 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, 1st floor and basement, Cleveland, Ohio 44107, Permanent Number 9116441, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1653-06.

By Council Member Brady.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3387 West 117th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Macs Convenience Stores, LLC, DBA Dairy Mart #5242, 3387 West 117th Street, Cleveland, Ohio 44111, Permanent Number 54054195242 to Billy Kay Enterprises, Inc., DBA Dairy Mart, 3387 West 117th Street, Cleveland, Ohio 44111, Permanent Number 0717853; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or

constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Macs Convenience Stores, LLC, DBA Dairy Mart #5242, 3387 West 117th Street, Cleveland, Ohio 44111, Permanent Number 54054195242 to Billy Kay Enterprises, Inc., DBA Dairy Mart, 3387 West 117th Street, Cleveland, Ohio 44111, Permanent Number 0717853; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1654-06.

By Council Member Cummins.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3807 Denison Avenue, and repealing Resolution No. 1359-06, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3807 Denison Avenue by Resolution No. 1359-06 adopted by the Council on August 9, 2006; and

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

Whereas, this resolution constitutes an emergency measure provid-

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to Libby, Inc., DBA Ivy Tavern, 3807 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 5181602 be and the same is hereby withdrawn and Resolution No. 1359-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1655-06.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 4025 East 131st Street, and repealing Resolution No. 1347-06, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 4025 East 131st Street by Resolution No. 1347-06 adopted by the Council on August 9, 2006; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 4025 East 131st Street, Inc., DBA Lucky's Market, 4025 East 131st Street, Cleveland, Ohio 44105, Permanent Number 2850894 be and the same is hereby withdrawn and Resolution No. 1347-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1104-06.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for, accept and expend funds from a Water Supply Revolving Loan Account loan to provide funding for the Morgan East Reservoir Project; determining the method of making the public improvement of constructing the improvements; and authorizing the director to enter into one or more public improvement contracts for the making of the improvement.

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

1. Insert new Section 8 to read as follows:

"Section 8. That this Council may exercise its oversight on the progress of this improvement through assistance of professionals retained by this Council under the authority of Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director of Public Utilities shall provide to this Council and the professionals it retains such reports as may be requested by this Council."

2. Renumber existing Section 8 to new **"Section 9"**.

Amendments agreed to.

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

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

Ord. No. 1107-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain pump stations, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Ord. No. 1280-06.

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

An emergency ordinance determining the method of making the public improvement of abating asbestos, demolishing the remaining structures and concrete pad at the former Midland Steel property located at 10615 Madison Avenue, and environmental remediation; authorizing the Director of Economic Development to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to enter into a second amendment to Contract No. 63915 with URS Corporation - Ohio for technical assistance

and environmental oversight; and authorizing the Director to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the improvement.

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

1. In Section 8, line 2, strike "10 SF 552" and insert **"10 SF 541"**.

Amendment agreed to.

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

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

LAID ON THE TABLE

Ord. No. 319-92.

By Council Member Rybka. An ordinance to change the Use and District of lands between Badging Avenue, S.E., East 44 Street, Sykora Road, S.E. Beyerle Road, S.E.; Independence Road, S.E. (Map Change No. 1809, Sheet No. 6).

Ord. No. 1712-99.

By Council Member Rybka. An ordinance to change the Use, Area and Height Districts of lands on the west side of East 63 Street and the north side of Waterman Avenue, S.E. (Map Change No. 2000, Sheet No. 5).

Ord. No. 1072-2000.

By Council Member Britt. An ordinance to change the Use District of lands at East 93rd Street and Quincy Avenue.

Ord. No. 2217-2000.

By Council Member Johnson. An ordinance to change the Use, Area and Height Districts of lands located on the southerly side of Larchmere Boulevard to Kemper Road with a depth of approximately 152.13" east of the intersection. (Map Change No. 2023, Sheet No. 9).

Ord. No. 377-06.

By Council Member Brady. An ordinance to change the Use District of parcels on the East side of West 117th Street between Governor Avenue and Thrush Avenue including parcels on the West side of West 117th Street between the Westerly prolongation of Fortune Avenue and Cooley Avenue to a Local Retail Business District; also to change the Use and Area Districts of parcels on the West side of West 117th Street South of Governor Avenue to a Two Family Residential District and a 'B' Area District as shown on the map (Map Change No. 2176 Sheet No. 2).

Without objection, Ordinance No. 319-92, Ordinance No. 1712-99, Ordinance No. 1072-2000, Ordinance No. 2217-2000 and Ordinance No. 377-06, were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 319-92, Ordinance No. 1712-99, Ordinance No. 1072-2000, Ordinance No. 2217-2000 and Ordinance No. 377-06, laid on the table.

MOTION

By Council Member Zone, seconded by Council Member Brady and unanimously carried that the absence of Council Member Phyllis E. Cleveland, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:02 p.m. to meet Monday, October 9, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 27, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 27, 2006, at 10:30 a.m. with Director Triozzi presiding.

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

Absent: Mayor Jackson and Director Flask.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 437-06.

By Director Dumas.

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 August, 2006 in the amount of \$25,342.84, attached and made a part of this resolution, is received, approved and ordered filed.

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

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

Resolution No. 438-06.

By Director Dumas.
Resolved, by the Board of Control of the City of Cleveland that the bid of Lake Erie Winnelund Co. for an estimated quantity of plumbing supplies and equipment for the various divisions of City government, for the period of two years beginning with the date of execution of a contract, received on August 23, 2006, under the authority of Ordinance No. 603-06 passed April 10, 2006, which on the basis of the estimated quantity would amount to \$1,500,000.00 (2% - 5%) 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. 176595
which shall be certified against the contract in the sum of \$75,000.00.

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

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

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

Resolution No. 439-06.

By Interim Director Ciaccia.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Idexx Distribution, Inc. for an estimated quantity of laboratory equipment, testing and analytical services, biological testing media and appurtenances (all items) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on August 18, 2006, under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$79,718.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 171414
which shall be certified against the contract in the sum of \$30,000.00.

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

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

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

Resolution No. 440-06.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Crimson Fire for an estimated quantity of fire pumpers, including the trade-ins of three used fire apparatus, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on June 8, 2006, under to the authority of Ordinance No. 762-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity, less an allowance of \$14,000.00 for the value of the trade-ins, would amount to \$918,670.00 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161739
which shall be certified against the contract in the sum of \$932,670.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Crimson Fire for the above-mentioned purchase are hereby approved:

Freightmaster.com
\$2,500.00 per unit - 0.80%

All Points Systems
\$2,243.20 per unit - 0.72%

Carnegie Body Works
\$500.00 per unit - 0.16%

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

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

Resolution No. 441-06.

By Director Wasik.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Brom Truck Inc. (primary) for an estimated quantity of cab/chassis 25-cubic yards refuse packer bodies, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on July 14, 2006, under the authority of Ordinance No. 762-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$1,886,290.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161779
which shall be certified against the contract in the sum of \$1,886,290.00.

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

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

Johnson Drive Away Service
MBE - \$800.00 per unit - 0.42%

Waste Removal Equipment, Inc.
\$49,850.00 per unit - 26.43%

All Point Systems, Ltd.
\$5,134.00 per unit - 2.72%

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

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

Resolution No. 442-06.

By Director Rush.
Whereas, Madonna Hall is located in Ward 7 at 1906 East 82nd Street, Cleveland, Ohio (the "Property") and is currently owned by the City. The Property consists of a four story, commercial building with a basement and an attached one story chapel. The Property was last used as a nursing home known as Madonna Hall; and

Whereas, in November, 2001, the Property was under litigation. As part of a multi-party settlement that included the Attorney General's Office and the prior owner of the Property, Eliza Bryant Center took title. Eliza Bryant Center negotiated a loan with the City as part of its expansion. Under that agreement, the City and Eliza Bryant

Center entered into an Empowerment Zone Loan and Grant Agreement for Eliza Bryant Center's facility located at 7201 Wade Park. Eliza Bryant Center agreed to transfer the Property to the City within six months of completion of its new facility on Wade Park; and

Whereas, under the authority of Ordinance No. 714-01, passed June 11, 2001, the City was authorized to and took title to the Property in July of 2004; and

Whereas, the Property had been closed in July, 2003. The building was vandalized and in extremely poor condition and was condemned by the Division of Building and Housing in January, 2005 with an estimated cost of demolition of \$120,000; and

Whereas, the City began the remediation process for the Property, specifically, expending \$40,000 in Community Development Block Grant funds to secure the building and remove asbestos; and

Whereas, under the authority of Ordinance No. 1171-05, passed June 6, 2005, and Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies ("Commissioner") is authorized to sell the Property no longer needed for public use consisting of permanent parcel numbers 119-02-029, 119-02-030, 119-02-031, 119-02-032, 119-02-034 through 119-02-037, and 119-01-072 to Marous Development or its designee; and

Whereas, Ordinance No. 1171-05 authorizes the Mayor to execute, on behalf of the City, and the Director of Law to prepare the Official Deed necessary to convey the Property described in the Ordinance; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1171-05, passed June 6, 2005, by Cleveland City Council, the Commissioner is directed to convey the Property no longer needed for public use, in "as is" condition, to Marous Development, or its designee, and that the consideration for the Property is established as the following:

- i) Payment of \$40,000 to the City for costs incurred for environmental remediation;
 - ii) Marous must begin demolition of the building on the Property within 30 days of transfer of title;
 - iii) Marous must begin construction of the residential development consisting of new construction, market-rate, loft/townhouse type housing containing approximately 32 units no later than June 30, 2007;
 - iv) Such other terms and conditions, restrictions, and covenants as are deemed necessary or appropriate, including restrictive covenants and reversionary interests as may, be specified by the Director of Community Development or the Director of Law; and
- which is not less than Fair Market Value.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed of the City of Cleveland conveying the Property.

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

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

Resolution No. 443-06.

By Director Hutchinson.
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 901-06, passed by the Council of the City of Cleveland on August 9, 2006, The Fedeli Group is selected from a list of firms determined after a full and complete canvass by the Director of Personnel & Human Resources as the firm to be Broker of Record for employee healthcare insurance.

Be it further resolved that the Director of Personnel & Human Resources is authorized to enter into a contract with The Fedeli Group to be Broker of Record for the City, based on the Director of Personnel & Human Resources letter dated September 20, 2006. Compensation shall be paid directly by the City's healthcare carriers as a percentage of the City's premium payments.

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

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

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 16, 2006

9:30 A.M.

Calendar No. 06-154: 5353 Dolloff Road (Ward 5)
Otis Elkins, owner, and Kimberly Hill, tenant, appeal under the authority of chapter 76-6 of the charter of the city of Cleveland and Section 329.02(d) from a Notice of Violation issued by the Building and Housing Department for unauthorized use of the property located at 5353 Dolloff Road, according to the provisions of Section 347.12(a)(1) of the Codified Ordinances.

Calendar No. 06-179: 8501 Aetna Road (Ward 2)
Kilroy Land Company, owner, appeals to establish use of property for a truck traffic turnaround and open outdoor storage on acreage located in a General Industry District on the north side of Aetna Road at 8501 Aetna Road; the use as proposed being contrary to Section 349.07(a) that requires all vehicle maneuvering areas to be properly graded for drainage, surfaced with concrete, asphaltic concrete or asphalt and Section 349.07(c)(3) where the maximum width of a driveway is 30 feet, and open yard storage use must be completely enclosed with a minimum seven foot high solid wall or fence, as stated in Section 345.04(a)(3) of the Codified ordinances.

Calendar No. 06-186: 2217 Broadview Road (Ward 15)
Fred Manson, owner, and Gus Mouligiannis, tenant, appeal to establish use for piercing and tattooing on the first floor of an existing 19'-6" x 53'-4" two-story masonry building, situated on a 45' x 130' parcel located in a Local Retail Business District on the east side of Broadview Road at 2217 Broadview Road; the proposed use being subject to the limitations of Section 343.01(b) and not permitted in a Local Retail Business District; and contrary to the Business District Requirements, the use will be within 100 feet of a Residence District, and where the use is permitted in a General Retail Business District, Section 343.11(b)(2)P, a piercing and tattooing use must be at least 1,000 feet from a residential district or day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center of community center, as stated in Section 347.12(b)(1) of the Codified Ordinances.

Calendar No. 06-188: 3002 Clark Avenue (Ward 14)
Allied Lighting Service and Erin Wasserman appeal under the authority of Chapter 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Codified Ordinances from a decision of the Cleveland City Planning Commission rendered on April 7, 2006 to

deny the approval for a 24 foot tall pole sign for AutoZone #1997, located at 3002 Clark Avenue, Cleveland, Ohio.

Calendar No. 06-189: 1900 West 50th Street (Ward 17)

Donald Oros, owner, appeals to erect a 6' x 20' wooden open front porch to a one family dwelling, situated on a 30' x 132' parcel located in a Two-Family District on the west side of West 50th Street at 1900 West 50th Street; contrary to Section 357.09(b) an interior side yard of 2 feet is provided and 3 feet is required; and the proposed open porch extends to within 8 feet of the street line, contrary to Section 357.13(b)(4) where it may not extend within 10 feet; and an 8 foot distance is provided where no building may be erected less than 10 feet from a main building on an adjoining lot, as stated in Section 357.09(2)A of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 2, 2006

At the meeting of the Board of Zoning Appeals on Monday, October 2, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-175: 1767 West 30th Street

George Rubic appealed to install 142 lineal feet of 6' high wooden fence and gate and 62 lineal feet of 4' high wooden fence and gate at the perimeters of an irregular shaped parcel in a Two-Family District; subject to condition.

Calendar No. 06-180: 11003 Superior Avenue

Maher Suleiman appealed to add and expand an existing store to include a drive through beverage pick up service on a corner parcel in a Multi-Family District; subject to condition.

Calendar No. 06-150: 4505 West 130th Street

John Tillett appealed to change the use from three dwelling units to a store, restaurant and two dwelling units in an existing 2 1/2-story building in a General Retail Business District; subject to condition.

The following appeals were **Denied:**

Calendar No. 06-176: 6524 St. Clair Avenue

Adrienne Goodson, d.b.a. ARA Enterprises, Inc. appealed from a disapproved application for as Music Permit.

Calendar No. 06-178: 1356 East 85th Street

Nitaya McDonald appealed to change to a group home the use of a two-story one family dwelling in a Two-Family District.

The following appeals were **Withdrawn:**

Calendar No. 06-172: 15929 Saranac Road

Sadie Blount, d.b.a. Saranac Lounge, LLC appealed from a disapproved application for a Music Permit.

Calendar No. 06-177: 11501 Avon Avenue

The Bethany Christian Church appealed to change the use of a residential dwelling for a period of 18 months to a church office in a Two-Family District.

The following appeals were **Dismissed:**

None.

The following appeals were **Postponed:**

Calendar No. 06-171: 2487 West 25th Street postponed to October 16, 2006.

Calendar No. 06-174: 1255 East 58th Street postponed to October 16, 2006.

In Executive Session on Monday, October 2, 2006, the following appeals heard by the Board on September 25, 2006 were adopted and approved.

The following appeal was **Approved:**

Calendar No. 06-169: 11600 Berea Road

Thomas Kilbane appealed to expand outdoor storage use to include an office and residential unit building in a General Industry District; with a condition

The following appeals were **Denied:**

Calendar No. 06-104: 5107 Lorain Avenue

Enrique Maldonado appealed to change a store and two dwelling units to a used car lot business in a Local Retail Business District.

Calendar No. 06-151: 13600 Deise Avenue

Northern Lakes Management Company, owner, and Northern Ohio Scrap Service Corporation, tenant, appealed to establish use as a metal wire recycling facility in a General Industry District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

1806

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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, OCTOBER 11, 2006

Treadway Creek Greenway Restoration, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1263-03, as amended by Ordinance Nos. 1297-04 and 1513-05, passed by the Council of the City of Cleveland, July 16, 2003, July 14, 2004 and October 17, 2005, 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 PAYABLE TO THE CITY OF CLEVELAND.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 5, 2006 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

September 27, 2006 and October 4, 2006

THURSDAY, OCTOBER 12, 2006

Part 2 Re-Bid Industrial Paper Products, for the Division of Purchases and Supplies, Department of Finance, as authorized by Ordinance No. 2131-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, OCTOBER 9, 2006 AT 10:00 A.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM, 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 27, 2006 and October 4, 2006

THURSDAY, OCTOBER 19, 2006

Prisoner Meals, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1048-06, passed by the Council of the City of Cleveland, July 12, 2006.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, MONDAY, OCTOBER 9, 2006 AT 2:00 P.M., CITY HALL, ROOM, 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

September 27, 2006 and October 4, 2006

FRIDAY, OCTOBER 20, 2006

Constructing and Installing Replacement Sewers and Rehabilitating and Repairing Sewers at Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.292 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 13, 2006 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE (RED CONFERENCE ROOM), CLEVELAND, OHIO 44108.

October 4, 2006 and October 11, 2006

WEDNESDAY, OCTOBER 25, 2006

Smeal Fire Apparatus Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 16, 2006 AT 2:30 P.M., HARVARD YARDS, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

Spartan Fire Apparatus Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 16, 2006 AT 3:00 P.M., HARVARD YARDS, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

October 4, 2006 and October 11, 2006

THURSDAY, OCTOBER 26, 2006

Labor and Materials for Hazardous and Non-Hazardous Waste Disposal and Recycling Services, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 979-06, passed by the Council of the City of Cleveland, August 9, 2006.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, OCTOBER 12, 2006 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Installation of Stadby Power Generators at Various Fire Stations (City of Cleveland), for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2145-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 20, 2006 AT 10:00 A.M., CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 4, 2006 and October 11, 2006

FRIDAY, OCTOBER 27, 2006

Bailiff Department Uniform Clothing, for the Department of Finance, on the behalf of the Cleveland Municipal Court, as authorized by Ordinance No. 734-06, passed by the Council of the City of Cleveland, May 1, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, OCTOBER 20, 2006 AT 10:00 A.M., BAILIFF DEPARTMENT CONFERENCE ROOM ON THE 10TH FLOOR OF THE JUSTICE CENTER, 1300 ONTARIO AVENUE, CLEVELAND, OHIO 44113.

October 4, 2006 and October 11, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1587-06.

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

An emergency resolution encouraging the Cuyahoga County Auditor's Office, Department of Weights and Measures and the City of Cleveland Department of Finance, Division of Weights and Measures to study testing fuel quality at fuel stations, and the State of Ohio to pass laws that require fuel quality testing.

Whereas, contaminated fuel sold at fuel stations causes motor vehicle damage; and

Whereas, some fuel stations sell low-octane fuel to customers at high-octane prices; and

Whereas, testing fuel quality is the only way to guarantee that consumers receive the fuel that they purchase, and to detect contaminated fuel; and

Whereas, Ohio is only one of four states that do not have laws that require testing fuel; and

Whereas, Summit County is the first and only county in Ohio to implement a Fuel Quality Testing Program; and

Whereas, Summit County authorized their Fiscal Officer in the Auditor's Office, Department of Weights and Measures to test fuel according to adopted national fuel testing regulations; and

Whereas, Fuel testing is needed for the consumer protection of the citizens of the State of Ohio, Cuyahoga County and the City of Cleveland; and

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

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

Section 1. That this Council hereby encourages the Cuyahoga County Auditor's Office, Department of Weights and Measures and the City of Cleveland, Department of Finance, Division of Weights and Measures to study testing fuel quality at fuel stations, and the State of Ohio to pass laws that require fuel quality testing.

Section 2. That the Aviation and Transportation Committee, chaired by Council Member Kelley, hold a hearing on fuel quality testing.

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

Adopted September 25, 2006.
Effective October 2, 2006.

Res. No. 1588-06.

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

An emergency resolution urging the Administration, the Ohio Attorney General's Office and the United States Department of Justice, United States Attorney's Office to investigate whether Argent Mortgage Company and its subprime loan competitors are violating local, state, or federal predatory lending, fraud, and other laws pertaining to lending practices, and take legal action accordingly.

Whereas, Ohio has the worst foreclosure rate in the country, with a loan default rate more than three times the national average; and

Whereas, a risky, high-interest mortgage, called a subprime loan is 10 times more likely to default than a conventional, prime-rate loan; and

Whereas, 20 percent of subprime loans end up in foreclosure after five years; and

Whereas, one in five house-purchase loans made in 2005 by Cleveland's top mortgage lender, California-based Argent Mortgage Company ("Argent"), have already gone into foreclosure; and

Whereas, Argent's subprime loan competitors have comparable high foreclosure rates for Cleveland purchase loans in 2005, but lack the volume of Argent's 1,258 loans in 2005; and

Whereas, more than 70 percent of the 7,300 loans Argent wrote in Cleveland from 2003 through 2005 were on the East Side; and

Whereas, up to 20 percent of borrowers who received subprime loans had credit scores for lower-interest conventional mortgages; and

Whereas, Argent representatives have suggested how to doctor loan documents so that mortgages are approved by company underwriters, according to Plain Dealer investigation witnesses; and

Whereas, Argent rarely questions the validity of property appraisals or the source of down payments that are key components to getting mortgage loans approved; and

Whereas, the higher a borrower's risk of default or foreclosure, the higher the rate charged for a loan; and

Whereas, Argent's lax lending practices have allowed too many unqualified borrowers to get too many loans, resulting in foreclosures; and

Whereas, subprime lending and foreclosures contribute to the loss of population in Cleveland and Cuyahoga County; and

Whereas, subprime lending and foreclosures negatively impact Cleveland and Cuyahoga County homeowners and citizens by resulting in vacant and abandoned properties; and

Whereas, vacant properties often become a breeding ground for crime and fires, and require a disproportionate amount of government maintenance, from securing properties against criminal activity to removal

of garbage and rodents to demolition, all at a cost to taxpayers; and

Whereas, vacant properties reduce city tax revenue in three ways: they are often tax delinquent; their low value means they generate little in taxes; and they depress property values across an entire neighborhood; and

Whereas, the cost of living in a neighborhood with many vacant and abandoned properties makes obtaining homeowner's insurance, mortgages and loans for home improvements more difficult; and

Whereas, vacant properties degrade and devalue the quality of life for remaining residents, isolating and weakening the neighborhood, and increasing the likelihood that property values will continue to decline and further abandonment will set in; and

Whereas, it is incumbent upon the Administration, the Ohio Attorney General's Office and the United States Department of Justice, United States Attorney's Office to investigate and take legal action if warranted against Argent and other subprime loan competitors to eliminate illegal lending practices, in order to reduce rising foreclosure rates and the resulting abandoned and vacant properties in our neighborhoods; and

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

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

Section 1. That this Council hereby urges the Administration, the Ohio Attorney General's Office and the United States Department of Justice, United States Attorney's Office to investigate whether Argent Mortgage Company and its subprime loan competitors are violating local, state, or federal predatory lending, fraud, and other laws pertaining to lending practices, and take legal action accordingly.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Alberto Gonzales, the United States Attorney General, Gregory White, the United States Attorney for the Northern District of Ohio, Jim Petro, the Ohio Attorney General, Mark Bennett, Senior Deputy Attorney General, and Mayor Jackson.

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

Adopted September 25, 2006.

Effective October 2, 2006.

Res. No. 1590-06.

By Council Member Brady. An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 11022

Bellaire Road, and repealing Resolution No. 1294-06, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 11022 Bellaire Road by Resolution No. 1294-06 adopted by the Council on August 9, 2006; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to KBS Oil, Inc., DBA Uncle Sam's Beverage and Deli, 11022 Bellaire Road, Cleveland, Ohio 44111, Permanent Number 4424877 be and the same is hereby withdrawn and Resolution No. 1294-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted September 25, 2006.

Effective October 2, 2006.

Res. No. 1591-06.

By Council Member Cimperman. An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3074 West 14th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Annie Salem, 3074 West 14th Street, Cleveland, Ohio 44113, Permanent Number 7680028 to Salbros, Inc., DBA Gas City, 3074 West 14th Street, Cleveland, Ohio 44113, Permanent Number 7679502; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Annie Salem, 3074 West 14th Street, Cleveland, Ohio 44113, Permanent Number 7680028 to Salbros, Inc., DBA Gas City, 3074 West 14th Street, Cleveland, Ohio 44113, Permanent Number 7679502; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 25, 2006.
Effective October 2, 2006.

Res. No. 1597-06.
By Council Member Cimperman.
An emergency resolution supporting the "Night of Free Theater" sponsored by the Cleveland Theater Collective on October 19, 2006.

Whereas, Cuyahoga County and the city of Cleveland nonprofit arts and culture industry generate \$1 billion dollars in economic activity; and

Whereas, 120 nonprofit arts and cultural organizations in Cuyahoga County and the City of Cleveland provide 3,200 full-time jobs; an estimated 5000 additional jobs are created locally by for-profit arts and culture organizations; and

Whereas, studies have shown that arts education makes a tremendous impact on the developmental growth of a child and helps to level the learning field across socio-economic boundaries; and

Whereas, the Cleveland Theater Collective (CTC), which includes

the professional theater companies in Cleveland, is locally sponsoring the "Night of Free Theater" on October 19, 2006, during which theaters will commit 25% of their house to the program, offering an estimated 1,500 to 3,000 free tickets to the public; and

Whereas, although Cleveland is participating in this event for the first time, this is actually the second annual "Night of Free Theater" in the United States; the City of Cleveland joins Austin, Texas, San Francisco, Detroit, Seattle, Ashland, Oregon, Boston, Philadelphia, Washington, D.C., Los Angeles, and the states of Wisconsin, New Jersey and North Carolina, in offering this event; and

Whereas, the national "Night of Free Theater" is sponsored by the Theatre Communications Group which represents over 400 professional theaters in 47 states, working to strengthen, nurture and promote the professional not-for-profit American theater community; and

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

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

Section 1. That this Council hereby supports the "Night of Free Theater" sponsored by the Cleveland Theater Collective on October 19, 2006.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to appropriate members of the Cleveland Theater Collective.

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

Adopted September 25, 2006.
Effective October 2, 2006.

Ord. No. 1061-06.
By Council Members Johnson and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more contracts of four chilled water coils, including labor and materials necessary to remove, replace, and dispose of the existing coils, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: four chilled

water coils, including labor and materials necessary to remove, replace, and dispose of the existing coils, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 20 SF 332, Request No. 164912.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1114-06.
By Council Members Johnson and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain City Hall elevators, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

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

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

the contract or contracts certified by the Director of Finance. (RL 176542)

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1234-06.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1467 East 65th Street to Deborah Gray.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 106-08-020, as more fully described below, to Deborah Gray.

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

P. P. No. 106-08-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot Nos. 53 and 54 and parts of Sublot Nos. 52 and 55 in L.W. Sapp's Allotment of part of Original One Hundred Acre No. 341 as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records and together forming a parcel of land having a frontage of 64.21 feet and bounded and described as follows:

Beginning at a point in the Easterly line of East 65th Street (60 feet wide) 9.21 feet Northerly of the Southwesterly corner of said Sublot No. 52; thence Southerly along said Easterly line of East 65th Street, 64.21 feet to a point therein, said point being 5.00 feet Southerly from the Northwesterly corner of said Sublot No. 55; thence Easterly along a line parallel with and distant 5.00 feet Northerly by rectangular mea-

surement with the Northerly line of said Sublot No. 55, 138.00 feet to a point in the Easterly line thereof; thence Northerly, along the Easterly line of Sublot Nos. 55, 54, 53 and 52, to point 64.21 feet therein; thence Westerly along a line parallel with said Southerly line of Sublot No. 52, 138.00 feet to the Easterly line of East 65th Street and the place of beginning.

Note: The description is of Parcel "B" of survey as prepared by Ronald V. Garnett Registered Ohio Surveyor No. 5828 and recorded in Volume 292, Page 98 of Cuyahoga County Records, August 7, 1998.

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

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

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

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1266-06.

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

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

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving Cleveland Browns Stadium (the "Improvement"), for the Division of Architecture, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the cost of the contracts authorized shall be paid from Fund No. 20 SF 111, Request No. 156185.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1267-06.

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

An emergency ordinance to amend Section 1 of Ordinance No. 718-2000, passed May 22, 2000, relating to cause payment of the City's share of the Ohio Department of Transportation for the cost of the rehabilitation of the Stokes Boulevard Bridge.

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

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

Section 1. That Section 1 of Ordinance No. 718-2000, passed May 22, 2000, is amended to read as follows:

Section 1. That this Council authorizes payment to the State of Ohio, Department of Transportation of the City's share of the rehabilitation of the Stokes Boulevard Bridge, from Fund Nos. 20 SF 322, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request Nos. 22512 and 175039. The estimated amount of the City's final payment is \$134,223.26.

Section 2. That existing Section 1 of Ordinance No. 718-2000, passed May 22, 2000, is repealed.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1365-06

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

An emergency ordinance authorizing the Director of Public Service to enter into an agreement with the Board of County Commissioners to maintain a portion of the Fulton Road Bridge No. 251 over Big Creek in the City of Cleveland.

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

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

Section 1. That the Director of Public Service is authorized to enter into an agreement with the Board of County Commissioners to maintain a portion of the Fulton Road Bridge No. 251 over Big Creek in the City of Cleveland. That the agreement shall be at no cost to the City.

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1447-06.

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

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

Whereas, the Director of Public Service has requested the sale of the City-owned property to State Industrial Products, Inc. or its designee (the "Redeveloper") no longer needed for public use and located at East 30th Street off of Hamilton Avenue; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

CUY-INNERBELT-CURVE
VACATION OF A PORTION
OF HIGHWAY
RIGHT-OF-WAY INVOLVING
STATE ROUTE 42, SECTION 19.77,
CUYAHOGA COUNTY, OHIO

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

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

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

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

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

limited access right-of-way described in volume 90-5483, page 47 of the Cuyahoga County Recorder's Office;

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

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

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

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

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

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

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

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

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

Jr., P S Ohio #7468 and is based on surveys performed by Burgess & Niple, Inc. and URS Consultants beginning September 2004.

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

Section 3. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1465-06.
By Council Members Cleveland, Pierce Scott and Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Economic Development is authorized to enter into an Empowerment Zone Section 108 loan with Joseph M. Stern Company to provide economic development assistance to partially finance interior renovations and improvements, and other associated costs necessary to redevelop the property located at 1968 East 66th Street.

Section 2. That the Director of Economic Development is autho-

riized to enter into a Grant Agreement with Joseph M. Stern Company to receive Economic Development Initiative Grant funds to partially finance the above described Improvement which are appropriated for this purpose.

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

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

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

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

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

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

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

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1586-06.
By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Apple Enterprise for the purchase of not to exceed two computer based editing systems, editing and production software, training, installation, and appurtenances, for the Office of Cable TV 23, Department of Public Utilities, including, upgrades, maintenance, and support for a period of five years, with five one-year options to renew.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Apple Enterprise. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Apple Enterprise on the basis of its proposals dated August 30, 2006 and September 7, 2006, for the purchase of not to exceed two computer based editing systems, editing and production software, training, installation, and appurtenances, including, upgrades, maintenance, and support for a period of five years, with five one-year options to renew for additional one-year terms, exercisable by the Director of Public Utilities, to be purchased by the Commissioner of Purchases and Supplies, for the Office of Cable TV 23, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 50 SF 001, Request No. 156499.

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

Passed September 25, 2006.
Effective September 26, 2006.

Ord. No. 1589-06.
By Council Member Sweeney.
An emergency ordinance to amend Section 189.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2009-A-99 passed June 19, 2000, relating to Fair Employment Wage.

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

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

Section 1. That Section 189.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2009-A-99 passed June 19, 2000 is hereby amended to read as follows:

Section 189.02 Fair Employment Wage

All Covered Employers shall pay no less than the Fair Employment Wage to Covered Employees. Determination of the Fair Employment Wage shall be in accordance with the following:

(a) Amount of Fair Employment Wage:

(1) The Fair Employment Wage shall be calculated on an hourly basis and shall be at least \$8.20 per hour beginning January 1, 2001; \$8.70 beginning October 1, 2001; and \$9.20 beginning October 1, 2002. Thereafter, the Fair Employment Wage shall be adjusted by the City of Cleveland on an annual basis, beginning October 1, 2003 and each year thereafter in proportion to the Consumer Price Index for Northeast Ohio, as published by the Bureau of Labor Statistics, U.S. Department of Labor. As of October 1, 2006, the annual adjustment shall be suspended at the rate in effect on September 30, 2006, until further action is taken by Council.

(2) Tipped employees, i.e., employees for whom a substantial portion of their compensation consists of tips or gratuities, shall be paid an hourly wage which, when combined with the compensation received in tips, will at least equal the Fair Employment Wage.

(b) All employees working for the City shall be paid at least a Fair Employment Wage. Work being performed by City employees at the time of the effective date of this Chapter may not be contracted out unless the contractor pays employees performing that work the Fair Employment Wage or the current wages and benefits being paid to workers doing that or similar work, whichever is higher, regardless of the number of employees.

(c) Any new jobs created by the City that are not currently being performed by City employees as of the effective date of this ordinance must be paid a fair employment wage if contracted out, regardless of the number of employees.

(d) Health Care Incentives:

(1) In order to encourage Covered Employers to provide reasonable health care coverage to their employees, the City shall provide the following incentives to Covered Employers:

(A) Applicable Departments shall consider the fact that a Service Contractor provides or agrees to provide during the course of the Service Contract reasonable health care insurance to Covered Employees

working 30 or more hours a week as a factor in determining the lowest and best or lowest responsible bid for any Service Contract. If a Service Contractor can demonstrate that it has offered reasonable health care insurance to its employees but as a group the employees have refused the health care insurance coverage, the Service Contractor is entitled to the same consideration and treatment in the bidding process as a Service Contractor who provides or agrees to provide reasonable health care insurance. The Division of Purchases and Supplies shall promulgate regulations for the evaluation of bids and proposals that provide for meaningful consideration of the offering of reasonable health care insurance in determining the lowest and best or lowest responsible bid. Such regulations must be reviewed and approved by Cleveland City Council.

(B) Applicable Departments shall offer additional financial incentives to Recipients of Assistance who will provide reasonable health care insurance to their Covered Employees working 30 or more hours a week during the term of the contract for Assistance. Examples of such incentives include: more favorable terms for a loan, such as a lower interest rate; a higher percentage of taxes to be credited or abated; a higher amount for a grant, etc. Whether or not such incentives have been offered; the reasons for offering or not offering such incentives; the terms of such incentives, if offered; and any evidence of the intent of the proposed Recipient of Assistance to provide reasonable health care insurance shall be a part of the information provided by the Applicable Department to Cleveland City Council for consideration in connection with any ordinance authorizing a contract for Assistance.

(2) In order to qualify a Covered Employer for an incentive as provided in the previous section, the reasonable health care insurance provided to employees must be comparable to a family health care insurance plan provided by the City to its employees.

(3) Evidence of the offer or provision or the intent to provide or offer reasonable health care insurance benefits qualifying a Covered Employer for such incentives shall lie submitted to the Applicable Department upon request.

Section 2. That existing Section 189.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2009-A-99 passed June 19, 2000, is hereby repealed.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1592-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for Race For The Cure, on October 14, 2006, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of Race For The Cure, scheduled by Hermes Sports & Events on October 14, 2006, starting at East 9th & Eriesside, East 9th to Lakeside, Lakeside to East 13th, East 13th to Huron Road, Huron Road to Prospect, Prospect to East Huron, East Huron to West Huron, West Huron to West 9th, West 9th to St. Clair, St. Clair to West 3rd, West 3rd to Eriesside, Eriesside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1593-06.

By Council Member Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle, Incorporated to stretch one banner at the intersection of Stearns & Chester, for the period from September 25, 2006 to October 24, 2006, inclusive, publicizing the Fall for the Circle event.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove one banner the intersection of Stearns & Chester, for the period

from September 25, 2006 to October 24, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1594-06.

By Council Member Dolan.

An emergency ordinance consenting and approving the issuance of a permit for Fairview Hospital Reach Out and Run, on October 8, 2006, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Fairview Hospital Reach Out and Run, scheduled by Hermes Sports & Events on October 8, 2006, starting at Fairview Hospital on Lorain Avenue; Lorain east to Rocky River Drive; Rocky River Drive to McKinley Avenue; turn around; repeat the route to finish at Fairview Hospital, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1595-06.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Friends of Mt. Pleasant to stretch banners on CPP utility poles along Woodhill Park; Kinsman Road, between East 108th & East 154th; and at Kingsberry, from December 13, 2006 to January 12, 2007.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Friends of Mt. Pleasant to install, maintain and remove banners on CPP utility poles along Woodhill Park; Kinsman Road, between East 108th & East 154th; and at Kingsberry, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 25, 2006.
Effective October 2, 2006.

Ord. No. 1596-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 29th Annual Walk for Disabilities, on October 7, 2006, sponsored by the Disability Services and Disability Ministries of Catholic Charities Services.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 29th Annual Walk for Disabilities sponsored by the Disability Services and Disability Ministries of Catholic Charities Services, on October 7, 2006, leave OLA/St. Joseph Center parking lot on Kenilworth; head east on

Kenilworth to W. 11th Street; turn right on W. 11th to Starkweather; turn right on Starkweather to W. 14th Street; turn right on W. 14th to Kenilworth; turn right on Kenilworth to W. 11th; turn left onto W. 11th and walk to University Road; turn right on to University and walk to W. 10th Street; turn right on to W. 10th and walk to stop sign; veer left on to Professor Avenue — staying on the right hand side of the street and walk to Jefferson; turn right on to Jefferson and walk to Starkweather — cross W. 14th to the west side of W. 14th; turn right on to W. 14th Street — cross Kenilworth and return to OLA/St. Joseph Center on the left, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 25, 2006.
Effective October 2, 2006.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, October 2, 2006
2:00 p.m.**

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

**Tuesday, October 3, 2006
9:30 a.m.**

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

**Wednesday, October 4, 2006
10:00 a.m.**

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

1:00 p.m.

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

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Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply
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Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06)	1788
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Ward 09

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Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06)	1788
Cleveland, Doris — condolence (R 1681-06)	1784
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Ward 10

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E. 2nd St., 2123 — transfer — liquor permit (F 1664-06)	1783
E. 30th St. (off of Hamilton Ave.) — sell City-owned property — State Industrial Products, Inc. (O 1447-06)	1811
E. 4th St., 2058 — new — liquor permit (F 1656-06)	1783
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Ward 14

Cleveland, Doris — condolence (R 1681-06) 1784
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Ward 15

Broadview Rd., 3314 — transfer — liquor permit (F 1661-06) 1783
 Cleveland, Doris — condolence (R 1681-06) 1784
 Denison Ave., 3807 — objection — withdraw — liquor permit
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 W. 23rd St. — Land Reutilization Program — Valerie R. Frederecks and Bradley
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Ward 16

Cleveland, Doris — condolence (R 1681-06) 1784
 Ridge Rd., 3837 — transfer — liquor permit (F 1662-06) 1783

Ward 17

Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply
 (O 1629-06) 1788
 Cleveland, Doris — condolence (R 1681-06) 1784

Ward 18

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Cleveland, Doris — condolence (R 1681-06)	1784
Fairview Hospital Reach Out and Run — permit — Hermes Sports & Events (O 1594-06)	1814
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Front-end loader dumpster containers and concrete receptacle lids — purchase (O 1630-06)	1788
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Chlorine monitors — public improvement — water quality monitors — amend Ord. 1520-02 (O 1628-06)	1787
Morgan East Reservoir Project — public improvement — funds — Water Supply Revolving Loan Account loan (O 1104-06)	1803
Roofs and appurtenances — test, evaluate, repair, or replace (O 1626-06)	1787
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