

The City Record

Official Publication of the Council of the City of Cleveland



May the Third, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

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

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

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

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF ECONOMIC DEVELOPMENT – _____, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, MAY 3, 2006

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CITY COUNCIL

MONDAY, MAY 1, 2006

The City Record

Published weekly by the City Clerk,
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Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

9:30 A.M. — **Public Parks, 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, Johnson,
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, May 1, 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, Cleve-
land, Coats, Conwell, Cummins,
Johnson, Kelley, Polensek, Santiago,
Pierce Scott, Sweeney, Turner, West-
brook, 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; Maureen
Harper, Chief of Communications;
Michael A. House, Press Secretary;
Debra Linn Talley, Director of
Equal Opportunity; Directors Tri-
ozzi, Wasik, Flask, Cox, Hutchinson,
Fumich, Brown, Griffin, Interim
Directors Ciaccia, Carroll and
Rybka.

Pursuant to Ordinance No. 2926-76,
prayer was offered by Rev. Dr.
David Horne of Old Stone Church, 91
Public Square in Ward 13. Pledge of
Allegiance.

MOTION

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

COMMUNICATIONS

File No. 803-06.

From Mr. Harvey G. Oppmann —
General Partner of multifamily res-
idential development — Boulevard
Terrace Apartments (10119 Detroit
Ave.). Received.

File No. 804-06.

From Mr. Harvey G. Oppmann —
General Partner of multifamily res-
idential development — Neal Ter-
race Apartments (8811 Detroit Ave.).
Received.

PLAT

File No. 805-06.

The Townhouses at Courtland
Court Subdivision Phase 2. (Ward
17).

Approved by Committees on Pub-
lic Service and City Planning.

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

OATH OF OFFICE

File No. 806-06.

Tracy Y. Martin — Executive
Assistant, Chief of Education of the
City of Cleveland. Received.

File No. 807-06.

Michael Cox — Director of Parks,
Recreation and Properties. Received.

File No. 808-06.

Jomarie Wasik — Director of Pub-
lic Service. Received.

CONDOLENCE RESOLUTION

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

Res. No. 809-06—John W. Curry.

CONGRATULATION RESOLUTION

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

Res. No. 810-06—Chris Chermely.

RECOGNITION RESOLUTIONS

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

Res. No. 811-06—The Truthe Pro-
gram, Inc.

Res. No. 812-06—Asia Food Market.

Res. No. 813-06—Alenka Banco.

Res. No. 814-06—East 61st Street
North Action Group.

Res. No. 815-06—George Edwards.

Res. No. 816-06 — Isaiah Xavier
Thomas.

Res. No. 817-06—Anna Mahovsky.

Ord. No. 778-06.

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

An emergency ordinance to approve rates and charges for water service, and to amend various Sections of Chapters 531, 533, and 535 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances; to repeal Sections 129.18, 531.04, 533.18, 535.051, 535.18 of the codified ordinances, as amended or enacted by various ordinances; and to supplement the codified ordinances by enacting new Section 535.22, relating to rates, fees, and charges for water and water-related services.

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

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

Section 1. That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 531.03, as amended by Ordinance No. 1043-75, passed February 2, 1976,

Section 531.07, as amended by Ordinance No. 776-91, passed May 13, 1991,

Sections 531.77 and 531.78, as enacted by Ordinance No. 99566, passed May 22, 1933,

Section 531.81, as amended by Ordinance No. 309-99, passed June 14, 1999,

Section 533.01, as amended by Ordinance No. 2825-82, passed January 1, 1983,

Sections 533.13, 533.15, and 533.16, as enacted by Ordinance No. 99566, passed May 22, 1933,

Section 533.19, as amended by Ordinance No. 1026-89, passed June 12, 1989,

Sections 535.04, 535.05, and 535.06, as amended by Ordinance No. 1551-01, passed August 15, 2001,

Section 535.12, as enacted by Ordinance No. 235-A-45, passed May 14, 1945,

Section 535.21, as amended by Ordinance No. 1743-99, passed June 19, 2000,

Section 535.24, as amended by Ordinance No. 79-82, passed February 1, 1982,

Sections 535.25 and 535.27, as enacted by Ordinance No. 99566, passed May 22, 1933, and

Section 535.46, as amended by Ordinance No. 309-99, passed June 14, 1999, are amended to read as follows:

Section 531.03 Charges for Installation of Service Connections, Tapping Sleeves and Valves

(a) The charges for work performed by the Division of Water, including, but not limited to, service connection installations, hydrant relocations, tapping sleeve and valve installations and fire line installations, shall be **in accordance with Section 535.06 of the Codified Ordinances.**

(b) The applicant for a service connection shall pay in advance to the Division for the furnishing of material specified and the labor for tapping the water main and installing the service connection and pipe from the water main to approximately two feet back to the curb line, or proposed curb line, including the setting of the stop cock box or valve box in a trench excavated by the applicant, his agent or contractor.

(c) All excavating, backfilling and repaving done within and without the territorial limits of the City are to be provided by the applicant by arrangement with the particular municipality.

Section 531.07 Abandoned Service Connections

(a) No building permit **under** Section 3105.01 or water service connection permit shall be issued until the Division of Water has determined the location of any previously installed service connections and arrangements have been made with the Division of Water to plug or cap previously installed service connections **under** rules and regulations promulgated by the Commissioner. All necessary work involving plugging or capping previously installed service connections shall be done by the Division of Water, and the applicant shall pay **the fees established in Section 535.06 of the Codified Ordinances** for each connection to be plugged or capped.

(b) The City shall not be responsible for any damages resulting from previously installed service connections which have not been plugged or capped **under** this section.

Section 531.77 Refusal or Neglect to Pay for Service Connections or Repairs; Fee

If any person refuses or neglects to pay for a service connection put in, or for repairs made on service pipes or private meters, or permits any waste or use of water contrary to the provisions of these rules or ordinances for the management and protection of the Division of Water, the water shall be immediately turned off without any preliminary notice, and not turned on again until all charges and damages have been paid. In case the water has been turned off on account of waste or unauthorized use of the same, the Commissioner of Water may charge and collect the further sum **contained in Section 535.06 of the Codified Ordinances** for turning it off and on.

Section 531.78 Conditions When Connections May be Plugged; Fee

In cases where the water has been turned off for nonpayment of water rent or for any other cause, and it is found turned on again, or when in the opinion of the Commissioner of Water the turning off of the water at the stop cock is not a sufficient protection against the use or waste of water, the Commissioner may cause the ferule to be drawn or the corporation cock to be turned off and disconnected. **On** a reapplication for water where the service pipe has been so disconnected, **the charges set forth in Section 535.06 of the Codified Ordinances** will be made together with all additional expense for opening and closing the street and repaving.

Section 531.81 Fees for Engineering Services

The Division of Water shall charge for engineering services it performs, such as plan reviews, hydraulics calculations, provision of copies of roll maps and engineering drawings, and processing as-built drawings. All charges shall be under Section 535.06 of the Codified Ordinances.

Section 533.01 General Provisions

(a) *All Connections.*

(1) All water service connections and service pipes from water distribution mains supplied with water by the City shall be metered by a water meter, except connections for construction purposes or fire protection.

(2) Metering devices shall be supplied by the Division of Water, and shall remain the property of the City.

(3) Charges for metering devices and their installation and/or replacement shall be **under Section 535.06 of the Codified Ordinances.**

(4) Charges for metering devices supplied by the City and for their installation and/or replacement by the City shall be borne by the owner of or the person applying for water service to the premises.

(5) Excepting private re-registering and sewer-exempt meters, metering devices shall be repaired by and at the expense of the Division.

(b) *New Connections.*

(1) All new service connections and service pipes from all water distribution mains supplied with water by the City shall be metered by a water meter with an outside registering device, except meters required to be placed in vaults.

(2) Each living unit of a multiple housing arrangement in a building of not more than two stories shall be metered individually.

(3) When vaults are required, they shall be furnished by the owner or customer and approved by the Commissioner. Vaults shall be installed by the owner or customer in strict conformity with the rules and regulations of the Department of Public Utilities.

(c) *Existing Connections.*

(1) Meters on existing service connections and service pipes shall be replaced with meters with outside registering devices on request of the owner or when deemed necessary by the Commissioner, subject to approval by the Director, to prevent waste or to protect the integrity of the water system or to continue the policy of metering all consumers, pursuant to rules and regulations by the Commissioner, subject to approval by the Director.

(2) Replacement, repair and maintenance of metering devices shall be performed only by authorized employees of the Division or by persons authorized to perform such services by contract.

(3) Charges for installation and/or replacement of metering devices may be prorated on the water bill for a period of not more than four years or may be paid in a lump sum.

(d) *Rules and Regulations.* The Director shall make and amend written rules and regulations necessary to effectuate the provisions of this chapter. The rules and regulations shall not conflict with nor waive any provisions of these Codified Ordinances.

Section 533.13 Meter Inspection; Fee

On written application made to the Commissioner of Water by any consumer of water, accompanied by the inspection fee **required under Section 535.06 of the Codified Ordinances**, the Division of Water shall test the meter. If upon such inspection the meter is found to be more than two percent fast, that is, registers a greater amount of water than actually passes through it, the Division shall return to the consumer the above inspection fee and shall make such reduction in the current bill as the facts warrant. If, however, the meter does not over-register the amount of water that actually passes through it, the Division shall retain the above inspection fee as the expense for the testing.

Section 533.15 Tampering with Meters

If the Division of Water finds that a meter seal has been broken, or that there is good evidence that a meter has been tampered with, the water shall be shut off and not turned on again until **the payment set forth under Section 535.06 of the Codified Ordinances** has been made to the Division. The consumer or owner of the premises shall also pay for twice the estimated quantity of water which has not been registered because of tampering with the meter.

Section 533.16 Charges for Reading Registering Meters

The charge for reading each private re-registering meter shall be **under Section 535.06 of the Codified Ordinances**. This charge shall be added to and made a part of the **quarterly** charge for water furnished through the main meter.

Section 533.19 Charges for Installation of Meters

The charge for installation of any water meter shall be **under Section 535.06 of the Codified Ordinances**.

Section 535.04 Water Rates

(a) **Water Rates.**

**Water Rate Schedule
(Expressed in Dollars)**

Cleveland

Description	Block	2006	2007	2008	2009	2010	2011
Regular Rates	1st MCF	min. 8.71	9.62	10.63	11.59	12.58	13.65
	Additional MCFs	18.62	20.57	22.73	24.78	26.90	29.18
Homestead Rates	All MCFs	3.87	4.27	4.72	5.15	5.59	6.06
Quarterly Service Charge	All Accounts		7.50	7.75	8.00	8.25	8.50

[Beginning 2007, there shall be no minimum usage charge for water consumption]

**Direct Service Suburbs
Low 1st High Service**

Regular Rates	1st MCF	min. 15.50	16.35	17.54	18.54	19.50	20.48
	Additional MCFs	33.08	34.97	37.50	39.65	41.70	43.77
Homestead Rates	All MCFs	6.77	7.26	7.79	8.24	8.66	9.09
Quarterly Service Charge	All Accounts		7.50	7.75	8.00	8.25	8.50

2nd High Service

Regular Rates	1st MCF	min. 17.88	18.76	20.20	21.44	22.64	23.89
	Additional MCFs	38.96	40.11	43.19	45.84	48.42	51.07
Homestead Rates	All MCFs	8.76	8.33	8.97	9.53	10.06	10.61
Quarterly Service Charge	All Accounts		7.50	7.75	8.00	8.25	8.50

3rd High Service
(Summit County, all; Medina County, all; Geauga County, all)

Regular Rates	1st MCF	min. 20.93	21.55	23.17	24.57	25.91	27.30
	Additional MCFs	44.73	46.08	49.55	52.53	55.41	58.36
Homestead Rates	All MCFs	11.09	9.56	10.29	10.92	11.52	12.12
Quarterly Service Charge	All Accounts		7.50	7.75	8.00	8.25	8.50

[Beginning 2007, there shall be no minimum usage charge for water consumption]

Master Meter (All MCFs)

Description	Block	2006	2007	2008	2009	2010	2011
Bedford	2nd High	25.58	26.40	28.44	30.19	31.90	33.66
Chagrin Falls	3rd High	29.05	29.94	32.24	34.21	36.12	38.08
Cleveland Heights	2nd High	25.18	26.00	28.04	29.79	31.50	33.26
East Cleveland	Low/1st High	21.75	23.00	24.68	26.10	27.46	28.83
Lakewood	Low/1st High	21.75	23.00	24.68	26.10	27.46	28.83
Gauga County	3rd High	31.65	32.54	34.84	36.81	38.72	40.68

Emergency Standby (All MCFs)

Description	Block	2006	2007	2008	2009	2010	2011
Berea		27.31	30.16	33.33	36.33	39.44	42.79
Lake County		26.56	29.33	32.41	35.34	38.36	41.62
Lorain County		27.31	30.16	33.33	36.33	39.44	42.79
North Ridgeville		21.75	24.02	26.54	28.94	31.41	34.08
Medina County		31.65	34.96	38.63	42.12	45.72	49.60
Summit County		31.65	34.96	38.63	42.12	45.72	49.60
Hudson Village		31.65	34.96	38.63	42.12	45.72	49.60
Portage County		31.65	34.96	38.63	42.12	45.72	49.60

1 MCF = approximately 7,500 gallons

[All rates are effective on January 1 of each year.]

(b) *For Master Meter communities.* All bills for water furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) *Rates for Standby Emergency Water Service.* The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

(d) *Large Industrial Customers.* All water used in excess of 62,500,000 cubic feet during a three month billing period shall be charged at a rate of seventy-five percent (75%) of the rate prescribed in this section for water used in excess of one thousand (1,000) cubic feet.

(e) *Customers supplied from more than one service district.* Customers with premises supplied with water from more than one service district shall be billed at the rate for the service district from which the predominant quantity of water is supplied.

Section 535.05 Affordability Programs

(a) *Special Homestead Rate.* Homesteads owned by a person sixty-five years of age or older or permanently and totally disabled whose total annual income does not exceed the limits set by the Cuyahoga County Auditor's Homestead Exemption program may be eligible for the special homestead rate established for the service district in which the homestead is located pursuant to Section 535.04 of these Codified Ordinances, provided the owner has obtained a certificate of reduction in taxes pursuant to the Homestead Exemption provisions of Section 323.151 through 353.157 of the Revised Code. The Director of Public Utilities shall prescribe the application form for the homestead rates and have final approval of all applications.

(b) The Director of Public Utilities may establish an affordability program to provide assistance to eligible low-income customers. The program may offer a reduction of ten percent (10%) from the water bill for residential customers who have been qualified to receive assistance through the federally funded Home Energy Assistance Program. The Director of Public Utilities shall set the guidelines for administering the affordability program and have final approval of all applications.

Section 535.06 Fees and Charges**(a) New Connections (taps, fire supply) (ductile iron prices)**

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
1"	\$ 160	\$ 256	\$ 265	\$ 274	\$ 284	\$ 294
1 1/2"	\$ 765	\$1,224	\$1,267	\$1,311	\$1,357	\$1,405
2"	\$ 830	\$1,328	\$1,374	\$1,423	\$1,472	\$1,524
3"	\$ 835	\$1,336	\$1,383	\$1,431	\$1,481	\$1,533
4"	\$1,065	\$1,704	\$1,764	\$1,825	\$1,889	\$1,955
6"	\$1,120	\$1,792	\$1,855	\$1,920	\$1,987	\$2,056
8"	\$1,260	\$2,016	\$2,087	\$2,160	\$2,235	\$2,313
10"	\$1,500	\$2,400	\$2,484	\$2,571	\$2,661	\$2,754
12"	\$2,100	\$3,360	\$3,478	\$3,599	\$3,725	\$3,856

for concrete pipe add 55% surcharge

(b) Curb Valves (Flat Rate Labor only)

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
1 1/2"	\$ 100	\$ 120	\$ 124	\$ 129	\$ 133	\$ 138
2"	\$ 100	\$ 120	\$ 124	\$ 129	\$ 133	\$ 138
3"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266	\$ 275
4"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266	\$ 275
6"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266	\$ 275
8"	\$ 200	\$ 240	\$ 248	\$ 257	\$ 266	\$ 275
10"	\$ 300	\$ 360	\$ 373	\$ 386	\$ 399	\$ 413
12"	\$ 300	\$ 360	\$ 373	\$ 386	\$ 399	\$ 413

(c) Tapping Sleeve and Valve (for tying new main to existing main)

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
6" or less	\$ 700	\$1,120	\$1,159	\$1,200	\$1,242	\$1,285
8"	\$ 710	\$1,136	\$1,176	\$1,217	\$1,260	\$1,304
10"	\$ 730	\$1,168	\$1,209	\$1,251	\$1,295	\$1,340
12"	\$ 760	\$1,216	\$1,259	\$1,303	\$1,348	\$1,395
16"	\$ 890	\$1,424	\$1,474	\$1,525	\$1,579	\$1,634
16" or greater (deposit + cost)	\$2,700	\$4,320	\$4,471	\$4,628	\$4,790	\$4,957

(d) Plugging Connections

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
<2"	\$ 900	\$1,440	\$1,490	\$1,543	\$1,597	\$1,652
2" - 12"	\$1,200	\$1,920	\$1,987	\$2,057	\$2,129	\$2,203
>12"	\$1,500	\$2,400	\$2,484	\$2,571	\$2,661	\$2,754

(e) Meter Settings

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
1" or smaller	\$ 70	\$ 84	\$ 101	\$ 121	\$ 145	\$ 174
1 1/2"	\$ 325	\$ 390	\$ 404	\$ 418	\$ 432	\$ 448
2"	\$ 325	\$ 390	\$ 404	\$ 418	\$ 432	\$ 448
3"	\$ 325	\$ 390	\$ 404	\$ 418	\$ 432	\$ 448
4"	\$ 430	\$ 516	\$ 534	\$ 553	\$ 572	\$ 592
6"	\$ 565	\$ 678	\$ 702	\$ 726	\$ 752	\$ 778
8"	\$ 715	\$ 858	\$ 888	\$ 919	\$ 951	\$ 985
10"	\$ 900	\$1,080	\$1,118	\$1,157	\$1,197	\$1,239
12"	\$1,100	\$1,320	\$1,366	\$1,414	\$1,464	\$1,515

(f) Install/Replace Meters

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
1" - Vault Setting	\$ 110	\$ 165	\$ 171	\$ 177	\$ 183	\$ 189
1" - inside setting						
w/ remote reading device	\$ 135	\$ 203	\$ 210	\$ 217	\$ 225	\$ 232
1 1/2" - inside setting						
w/ remote reading device	\$ 135	\$ 238	\$ 246	\$ 255	\$ 264	\$ 273
2"	\$ 205	\$ 243	\$ 252	\$ 260	\$ 269	\$ 279
3"	\$ 450	\$ 675	\$ 699	\$ 723	\$ 748	\$ 775
4"	\$ 800	\$1,200	\$1,242	\$1,285	\$1,330	\$1,377
6"	\$1,720	\$2,580	\$2,670	\$2,764	\$2,860	\$2,961
8"	\$2,885	\$4,328	\$4,479	\$4,636	\$4,798	\$4,966
2" compound	\$1,025	\$1,538	\$1,591	\$1,647	\$1,705	\$1,764
3" compound	\$ 977	\$1,877	\$1,943	\$2,011	\$2,081	\$2,154
4" compound	\$1,477	\$2,216	\$2,293	\$2,373	\$2,456	\$2,542
6" compound	\$2,544	\$3,316	\$3,950	\$4,088	\$4,231	\$4,379
8" compound	\$4,045	\$6,068	\$6,280	\$6,500	\$6,727	\$6,963

(g) Regulators

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
8" (cost plus)	\$1,800	\$2,160	\$2,236	\$2,314	\$2,395	\$2,479
12" (cost plus)	\$3,000	\$3,600	\$3,726	\$3,856	\$3,991	\$4,131

(h) Water Use From Hydrants (Metered)

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Meter/Valve/BF						
Assembly Refundable						
Deposit	\$1,000.00	\$1,025.00	\$1,050.00	\$1,075.00	\$1,100.00	\$1,125.00
Permit	\$ 25	\$ 35	\$ 36	\$ 37	\$ 39	\$ 40
Meter	\$30 1st wk;	\$30 1st wk;	\$30 1st	\$30 1st wk;	\$30 1st	\$30 1st
Assembly	\$20/wk	\$20/wk	wk; \$20/	20/wk;	wk; \$20/	wk; \$20/
Rental Fee	after	after	wk after	after	wk after	wk after
Volume Charge	\$20.00	MCF Rates	MCF Rates	MCF Rates	MCF Rates	MCF Rates
(\$/MCF/service area)						

(i) Water Use From Connection (Construction Sites, Estimated)

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Residential (for building foundation only)	\$ 5	\$ 35	\$ 36	\$ 37	\$ 39	\$ 40
Commercial (for building foundation only)	\$ 10	\$ 105	\$ 109	\$ 112	\$ 116	\$ 120
Volume Charge	\$20.00	MCF Rates	MCF Rates	MCF Rates	MCF Rates	MCF Rates
(\$/MCF/service area)						

(j) Miscellaneous Engineering Services

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Copy fee for roll maps, engineering dwgs. - per copy	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
Plan reviews - minimum for under 150 l.f.	\$ 100	\$ 150	\$ 155	\$ 161	\$ 166	\$ 172
Plan reviews - per l.f. over 150'	\$ 1	\$ 1.50	\$ 2	\$ 2	\$ 2	\$ 2
Plumber Certification	\$ 20	\$ 30	\$ 30	\$ 30	\$ 30	\$ 30

(k) Chlorination of Water Mains

charges for services:	2006		2007		2008		2009		2010		2011	
	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*
4" diameter	\$420	\$0.35	\$565	\$0.47	\$585	\$0.49	\$605	\$0.51	\$626	\$0.52	\$648	\$0.54
6"	\$420	\$0.35	\$565	\$0.47	\$585	\$0.49	\$605	\$0.51	\$626	\$0.52	\$648	\$0.54
8"	\$485	\$0.45	\$655	\$0.61	\$678	\$0.63	\$702	\$0.65	\$726	\$0.67	\$752	\$0.70
10"	\$550	\$0.45	\$655	\$0.61	\$678	\$0.63	\$702	\$0.65	\$726	\$0.67	\$752	\$0.70
12"	\$550	\$0.55	\$745	\$0.74	\$771	\$0.77	\$798	\$0.80	\$826	\$0.82	\$855	\$0.85
16"	\$630	\$0.60	\$850	\$0.81	\$880	\$0.84	\$911	\$0.87	\$942	\$0.90	\$975	\$0.93
20" or greater (deposit + cost)	\$2,700		\$2,795		\$2,892		\$2,994		\$3,098		\$3,207	
* per ft. charge applies only when the minimum is exceeded												
Come Back Fee	\$300.00		\$310.00		\$320.00		\$330.00		\$340.00		\$350.00	

(l) Meter Test at Customer's Request (red tag, flow test)

	2006	2007	2008	2009	2010	2011
5/8"	\$ 3	\$ 30	\$ 31	\$ 32	\$ 33	\$ 34
3/4"	\$ 3	\$ 30	\$ 31	\$ 32	\$ 33	\$ 34
1"	\$ 3	\$ 30	\$ 31	\$ 32	\$ 33	\$ 34
1 1/2"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67	\$ 69
2"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67	\$ 69
3"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67	\$ 69
4"	\$ 6	\$ 60	\$ 62	\$ 64	\$ 67	\$ 69
6"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133	\$ 138
8"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133	\$ 138
10"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133	\$ 138
12"	\$ 6	\$ 120	\$ 124	\$ 129	\$ 133	\$ 138

(m) Reading Re-registering Meters

	2006	2007	2008	2009	2010	2011
(\$/read)	\$ 0.50	\$ 1.25	\$ 1.30	\$ 1.35	\$ 1.40	\$ 1.45

(n) Special Service Calls by Customer Request

	2006	2007	2008	2009	2010	2011
	\$ 0	\$ 15	\$ 16	\$ 16	\$ 17	\$ 17

(o) Charge for Appointment Broken by Customer

	2006	2007	2008	2009	2010	2011
	\$ 0	\$ 25	\$ 26	\$ 27	\$ 28	\$ 29

(p) Returned Checks

	2006	2007	2008	2009	2010	2011
	\$ 25	\$ 26	\$ 27	\$ 28	\$ 29	\$ 30

(q) Customer Requested Investigation

	2006	2007	2008	2009	2010	2011
	\$ 0	\$ 15	\$ 16	\$ 16	\$ 17	\$ 17

(r) 3-Day Notice (hand-delivered) - Turn - off service

	2006	2007	2008	2009	2010	2011
	\$ 0	\$ 15	\$ 16	\$ 16	\$ 17	\$ 17

(s) Disconnect/Re-connect Service for Delinquency

	2006	2007	2008	2009	2010	2011
	\$ 0	\$ 30	\$ 31	\$ 32	\$ 33	\$ 34

(t) Quarterly Flat Rate for Unmetered Fire Line Service

	2006	2007	2008	2009	2010	2011
1 - 1/2"	\$ 36.23	\$ 37.50	\$ 38.81	\$ 40.17	\$ 41.57	\$ 43.03
2"	\$ 36.23	\$ 37.50	\$ 38.81	\$ 40.17	\$ 41.57	\$ 43.03
3"	\$ 36.23	\$ 37.50	\$ 38.81	\$ 40.17	\$ 41.57	\$ 43.03
4"	\$ 98.54	\$101.99	\$105.56	\$109.25	\$113.08	\$117.03
6"	\$142.01	\$146.98	\$152.12	\$157.45	\$162.96	\$168.66
8"	\$253.59	\$262.47	\$271.65	\$281.16	\$291.00	\$301.19
10"	\$397.05	\$410.95	\$425.33	\$440.22	\$455.62	\$471.57
12"	\$541.96	\$560.93	\$580.56	\$600.88	\$621.91	\$643.68

(u) All fees and charges shall be effective on January 1 of each year.

Section 535.12 Extension of Time for Payment

Water bills shall be paid on or before the date stated on the bill but the Director of Public Utilities may, after investigation, grant an extension of time for payment not to exceed **ninety** days in cases of indigency, emergency, relief and similar conditions. Partial payments may be accepted, properly approved, but bills must be paid in full before the expiration of the **ninety-day** period.

Section 535.21 Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area

A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined by the size of the fire supply connection through which water passes for use on the premises so supplied **under Section 535.06 of the Codified Ordinances** for each three months or any part of **three months**.

Charges shall be collected quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

Section 535.24 Charges for Water from Fire Hydrants

(a) In addition to other charges, if water is used from a public fire hydrant, upon special permit only, a charge for the permit and a hydrant rental must be paid in advance **under Section 535.06 of the Codified Ordinances**. A separate permit shall be issued for each hydrant which shall identify its location.

(b) Water may be furnished from a fire hydrant for any special purpose authorized by the Commissioner of the Division of Water. The charge for water so furnished **shall be under Section 535.04 for the service district in which the fire hydrant is located, but shall not include a discounted rate for the first 1,000 cubic feet of water**. The quantity of water used may be estimated by the Commissioner based on information provided by the user as to the user's purpose and needs, or the Commissioner may require the installation of a meter at the connection to the hydrant to be used, in which event the user shall pay the cost of installing the meter and the cost of all water measured.

Section 535.25 Charges for Water for Building and Construction Purposes

All water for building or construction purposes, whether public or private, shall be paid for **under Sections 535.04 and 535.06 of the Codified Ordinances**. In the case of water to be used for building purposes, the **Director of Building and Housing**, before granting any permit to erect, repair, change or alter any building or structure, shall first require the owner of the building to pay in advance an amount as is justly chargeable for water to be used in erecting, repairing, changing or altering such building or structure, and **on** the refusal of the owner to pay the charges in advance, the **Director** shall refuse to grant the permit. Charges shall be based **on** estimates of the amount of masonry, walls, plastering and other work for which water is used in construction, computed according to the accepted rules of the Division of Water. If desired by the property owner or contractor, water for building or construction purposes may be taken through a meter, furnished and set at the expense of the owner or contractor, and paid for at the rate **set forth in Sections 535.04 and 535.06 of the Codified Ordinances**. However, the advance payment for water in any case shall be made, as **previously** stated, and if the supply of water is taken entirely through a meter, the charge shall be adjusted **under** the amount registered by the meter, and the excess of the advance payment, if any, shall be refunded **on** the completion of the work.

Section 535.27 Use of Fire Hydrants for Construction Purposes

(a) No person shall use any hydrant for construction or other purposes without first obtaining a permit for such use from the Commissioner of Water. **Such permit shall be charged under Section 535.06 of the Codified Ordinances**.

(b) All hydrants used for any construction purpose, such as sewers, buildings, paving, etc., must have reducing couplings attached to the nozzles of the hydrants, with an independent valve for regulating the supply.

(c) The main valve of the hydrant must be opened full at the beginning of work each day, and remain open until the stoppage of work at night. The water supply shall be regulated by the independent valve. The hydrant shall be operated only by a proper hydrant key, which shall be obtained from the Division of Water.

(d) Water must not be allowed to run except when used. No leaking hose, pipe or joints shall be permitted. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the Commissioner of Water, or his authorized agents, to regulate the use of these hydrants.

(e) In case of failure to comply with the requirements of the Division, the water supply shall be stopped immediately, the hydrant permit revoked and no new permits for the use of any hydrant shall be issued until all damages or charges for the waste of water have been paid.

(f) If required by the Commissioner, a meter shall be applied to the connection made with the hydrant, at the expense of the party using the same and the party shall pay for all water by meter measure.

Section 535.46 Fees for Returned Checks

The Division of Water shall charge an account holder **under Section 535.06 of the Codified Ordinances** for any check returned for lack of sufficient funds.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 129.18, as amended by Ordinance No. 2661-81, passed December 14, 1981

Section 531.03, as amended by Ordinance No. 1043-75, passed February 2, 1976,

Section 531.04, as amended by Ordinance No. 1230.74, passed September 30, 1974

Section 531.07, as amended by Ordinance No. 776-91, passed May 13, 1991,

Sections 531.77 and 531.78, as enacted by Ordinance No. 99566, passed May 22, 1933,

Section 531.81, as amended by Ordinance No. 309-99, passed June 14, 1999,

Section 533.01, as amended by Ordinance No. 2825-82, passed January 1, 1983,

Sections 533.13, 533.15, and 533.16, as enacted by Ordinance No. 99566, passed May 22, 1933,

Section 533.18, as enacted by Ordinance No. 63410-A, passed September 22, 1924

Section 533.19, as amended by Ordinance No. 1026-89, passed June 12, 1989,

Sections 535.04 and 535.05, as amended by Ordinance No. 1551-01, passed August 15, 2001,

Section 535.051, as amended by Ordinance No. 1743-99, passed June 19, 2000,

Section 535.06, as amended by Ordinance No. 1551-01, passed August 15, 2001,

Section 535.12, as enacted by Ordinance No. 235-A-45, passed May 14, 1945,

Sections 535.18 and 535.21, as amended by Ordinance No. 1743-99, passed June 19, 2000,

Section 535.24, as amended by Ordinance No. 79-82, passed February 1, 1982,

Sections 535.25 and 535.27, as enacted by Ordinance No. 99566, passed May 22, 1933, and

Section 535.46, as amended by Ordinance No. 309-99, passed June 14, 1999

are repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 535.22 to read as follows:

Section 535.22 Disinfection, Chlorination and Flushing of Water Mains

The Director of Public Utilities is authorized to provide for the disinfection of water mains by chlorination or flushing, including sampling. The charges associated with the work shall be under Section 535.06 of the Codified Ordinances.

Section 5. That Council waives the notice requirements contained in division (b) of Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 779-06.

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

An emergency ordinance to approve rates and charges for sewer service and to amend Sections 541.03, 543.02, and 543.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to sewerage service rates, fees, and charges.

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

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

Section 1. That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for sewerage service, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976,

541.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1439-86, passed September 15, 1986,

543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1742-99, passed June 19, 2000, and

543.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1388-A-77, passed April 24, 1978

are amended to read as follows:

Section 541.03 Responsibility for Installation and Maintenance of Sewer Connections

(a) That portion of a sewer connection which extends from the public sewer to approximately one foot beyond the existing or proposed curb line of the roadway may be installed originally by a licensed sewer builder or by the Division of Water Pollution Control. In either case, installation shall be at the expense of the property owner whose premises are drained by the sewer connection **under** rules and regulations promulgated by the Commissioner. The cost of any work performed by the Division of Water Pollution Control shall be **under Section 543.03 of the Codified Ordinances.**

(b) Once installed, the portion of a sewer connection described in division (a) of this section shall be maintained by the Division of Water Pollution Control.

(c) That portion of a sewer connection which extends from approximately one foot beyond the existing or proposed curb line of the roadway to the property line shall be installed and maintained by a licensed sewer builder at the expense of the property owner whose premises are drained by the sewer connection, and **under** rules and regulations promulgated by the Commissioner. **On** application by the sewer builder, the City shall furnish **the** information as it possesses relative to the location and depth of the sewer connection at the existing or proposed curb line of the roadway. The City shall not guarantee the correctness **of the information**, and shall not be liable for any error arising **from the information**.

Section 543.02 Sewerage Service Rates Within Cleveland

(a) Regular and Homestead Rates.

		Sewer Rate Schedule					
		2006	2007	2008	2009	2010	2011
Regular Rates	Minimum Charge	\$8.28	\$10.28	\$11.53	\$12.03	\$12.53	\$12.78
	> 1st MCF	\$8.28	\$10.28	\$11.53	\$12.03	\$12.53	\$12.78
Homestead Rates	Minimum Charge	\$4.91	\$ 6.10	\$ 6.84	\$ 7.13	\$ 7.43	\$ 7.58
	> 1st MCF	\$4.91	\$ 6.10	\$ 6.84	\$ 7.13	\$ 7.43	\$ 7.58

(b) **Homesteads** owned by a person sixty-five (65) years of age or older or permanently and totally disabled whose total annual income **does not exceed the limits set by the Cuyahoga County Auditor's Homestead Exemption program** may be eligible for the special homestead rate established **under division (a) of this section, provided the owner has obtained a certificate of reduction in taxes under the Homestead Exemption provisions of Section 323.151 through 353.157 of the Revised Code. The Director of Public Utilities shall prescribe the application form for the homestead rates and have final approval of all applications.**

(c) The sewerage service charges within the City shall be increased to meet the funding requirements of the Ohio Water Development Authority.

(d) Nothing contained in this section shall be held to authorize or require the payment of any sewer rental charge by any tax-supported department of the City.

(e) **All rates shall be effective on January 1 of each year.**

Section 543.03 Sewerage Service Fees and Charges

WPC Ancillary Fees and Charges

Descriptions	2006	2007	2008	2009	2010	2011
Lay Permit (permit fee + inspection)	\$265.00	\$365.00	\$465.00	\$565.00	\$665.00	\$760.00
Extend Permit (permit fee + inspection)	\$130.00	\$255.00	\$380.00	\$505.00	\$630.00	\$760.00
Repair Permit (permit fee + inspection)	\$ 70.00	\$110.00	\$150.00	\$190.00	\$230.00	\$280.00
Bulkhead Permit (permit fee + inspection)	\$ 35.00	\$ 50.00	\$ 65.00	\$ 80.00	\$ 95.00	\$110.00
Miscellaneous Sewer Permit		\$100.00	\$104.00	\$108.00	\$112.00	\$112.00
General copies	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.25	\$ 0.30	\$ 0.30
Engineering plan copies	\$ 1.00	\$ 1.05	\$ 1.10	\$ 1.15	\$ 1.20	\$ 1.25
Re-inspection Fee		\$250.00	\$259.00	\$268.00	\$277.00	\$287.00
Plan Review						
New Main Sewer (\$/foot)		\$ 1.50	\$ 1.55	\$ 1.60	\$ 1.65	\$ 1.70
Residential Parcel (\$/parcel)		\$ 50.00	\$ 52.00	\$ 54.00	\$ 56.00	\$ 58.00
Commercial Parcel (\$/parcel)						
Stormwater (Capacity, Hydraulics & SWPP)		\$100.00	\$104.00	\$108.00	\$112.00	\$116.00
Less than 1 acre		\$200.00	\$207.00	\$214.00	\$221.00	\$229.00
1-5 acres		\$300.00	\$311.00	\$322.00	\$333.00	\$345.00
6-10 acres		\$600.00	\$621.00	\$643.00	\$666.00	\$689.00
More than 10 acres		\$800.00	\$828.00	\$857.00	\$887.00	\$918.00
New Main Sewer Inspection Fee (\$/hour)		\$ 75.00	\$ 78.00	\$ 81.00	\$ 84.00	\$ 87.00

All fees and charges shall be effective on January 1 of each year.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976, 541.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1439-86, passed September 15, 1986,

543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1742-99, passed June 19, 2000, and

543.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1388-A-77, passed April 24, 1978 are repealed.

Section 4. That Council waives the notice requirements contained in division (b) of Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 780-06.
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 Youth Opportunities Unlimited to manage and implement the Cleveland Youth Fire Hydrant Painting Program.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Youth Opportunities Unlimited to manage and implement the City of Cleveland Youth Fire Hydrant Painting Program.

Section 2. That the cost of the contract or contracts authorized shall not exceed \$200,000.00 and be paid from Fund No. 52 SF 001, Request No. 163738.

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. 781-06.
By Council Members Kelley and Sweeney (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of duct cleaning and air handling unit services, for the various divisions of the Department of Port Control.

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

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

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

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

Section 2. That the costs of the contract or contracts shall be paid from passenger facility charges and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds issued for this purpose and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150593)

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

Section 4. That this ordinance is declared to be an emergency 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. 782-06.
By Council Members Pierce Scott and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

Section 2. That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of the contracts shall not exceed \$6,875,000.00, and shall be paid from Fund Nos. 19 SF 600, 13 SF 236, 14 SF 027, 14 SF 028, 14 SF 029, 14 SF 030, 14 SF 031, and 14 SF 032, Request No. 149535.

Section 4. That the Director of Community Development is authorized to accept monies in repayment

of loans authorized in this ordinance and to deposit those monies in Fund Nos. 13, 14, and 19 and utilize said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14. The revenues generated as a result of charging fees are hereby appropriated for additional program and operating expenses for Housing Trust Fund activities.

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

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

Ord. No. 783-06.
By Council Members Pierce Scott and Sweeney (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 32 and 2006 Federal HOME grant funds, from the United States Government; and

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

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

Section 1. That the Director of Community Development is authorized to expend funds, which are hereby appropriated, from Fund No. 14 SF 032 in the amount of \$1,500,000, and Federal HOME Program funds from Fund 19 SF 600 in the amount of \$693,800, for the operation of the Low Interest Loan and Grant Programs, including all related services. The Low Interest Loan and Grant Programs include Repair-A-Home (RAH), Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, Home Maintenance Assistance Program

(HMAP), and American Dream Downpayment Assistance Program.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are appropriated for those purposes.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 5. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

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

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

Ord. No. 784-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low-income rental or lease-purchase housing units through the Community Housing Development Organization Scattered Site Affordable Housing Program.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of low-income rental or lease-purchase housing units through the

Community Housing Development Organization (CHDO) Scattered Site Affordable Housing Program.

Section 2. That the cost of the contract or contracts shall not exceed \$2,058,000.00 and shall be paid from Fund Nos. 19 SF 600 and 13 SF 236, Request No. 149529.

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

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

Ord. No. 785-06.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

Whereas, the Block Grant Plans as approved commit funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

Section 1. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant ("CDBG") Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$8,400,000.00 and shall be paid from Fund Nos. 14 SF 028, 14 SF 029, 14 SF 030, 14 SF 031 and 14 SF 032.

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

Section 7. That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 8. That the Director of Community Development is authorized to enter in forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

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

Ord. No. 786-06.

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

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

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 contract with Congeni Investments, LLC, to provide economic development assistance to partially finance the acquisition of real property and all other associated costs necessary to redevelop the property located at 2034 W. 65th Street, Cleveland, Ohio 44102.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 786-06-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 costs of the contract shall not exceed Eighty Thousand Dollars (\$80,000.00), and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose, Request No. 103697.

Section 4. 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 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. 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. 17 SF 305, Loan Fees Fund.

Section 7. 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 8. 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 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 787-06.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Seventh Amendment to the lease with the Rockwell Company LLP to lease property for the Downtown One-Stop facility at 1701 East 13th Street for a two-month period; authorizing a month-to-month interim extension of the Seventh Amendment with Rockwell Company LLP, until such time as the facility relocates to 1020 Bolivar Road; and authorizing the Director Economic Development to lease certain property located at 1020 Bolivar Road from USA Parking Systems Inc., for a term of ten years, for the public purpose of operating a comprehensive workforce service center to job seekers and employers.

Whereas, under the authority of Ordinance No. 1852-04, passed December 6, 2004, the City currently leases property at 1701 East 13th Street to operate the Downtown One-Stop facility to operate an employment service center to job seekers and employers ("Sixth Amendment"); and

Whereas, the Sixth Amendment expires on August 31, 2006; and

Whereas, the City will be relocating that service center to 1020 Bolivar Road on or about October 1, 2006; and

Whereas, because the new facility will not be ready to occupy until or after October 1, 2006, a two-month extension of the current lease is necessary; and

Whereas, if the new facility is not ready to be occupied after the two-month extension of the Sixth Amendment, a month-to-month extension is necessary until relocation to 1020 Bolivar Road is possible; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into a Seventh Amendment to the lease with the Rockwell Company LLP for a two-month period, commencing September 1, 2006, in an amount not to exceed \$58,278.50, plus utilities.

Section 2. That, provided the facility at 1020 Bolivar Road is not ready for the City to occupy by the end of the two-month extension authorized above, the Director of Economic Development is authorized to extend the term of the Seventh Amendment to the Lease with the Rockwell Company LLP, on a month-to-month basis until the City occupies 1020 Bolivar Road.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development is authorized to lease from USA Parking Systems, Inc., certain property located at 1020 Bolivar Road.

Section 4. That the term of the lease authorized by this ordinance shall not exceed ten years, and shall be subject to annual appropriation.

Section 5. That the rent for the lease authorized by this ordinance shall be a rental of \$72,056.83 per month, exclusive or utilities.

Section 6. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties to be consistent with the public purpose or purposes of operating comprehensive workforce services to job seekers and employers.

Section 7. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 8. That the costs of the extension and lease shall be paid from Fund Nos. 16 SF 601 and 16 SF 906, Request Nos. 148525 and 148527.

Section 9. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 10. That the Director of Economic Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Employment, Affirmative Action and Training, Finance.

Ord. No. 788-06.

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

An emergency ordinance authorizing the Secretary of the Civil Service Commission to employ one or more professional consultants to perform a job analysis and to develop, administer and grade entry-level examinations for the Divisions of Police and Fire, Department of Public Safety.

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

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

Section 1. That the Secretary of the Civil Service Commission is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform a job analysis and to develop, administer and grade entry-level examinations for the Divisions of Police and Fire, Department of Public Safety.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 01-010801-632000, Request No. 107443.

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

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

Ord. No. 791-06.

By Council Member Coats.

An emergency ordinance to amend Section 613.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1695-65, passed October 18, 1965, relating to depositing litter, grass or leaves in the street.

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

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

Section 1. That Section 613.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1695-65, passed Octo-

ber 18, 1965, is amended to read as follows:

Section 613.05 Depositing Litter, Grass or Leaves in the Street

(a) No person shall throw, deposit or sweep into any gutter, sidewalk, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or in control of or occupying property shall keep the sidewalk in front of their premises free of litter.

(b) No person shall blow, dump or deposit leaves, grass clippings, or other lawn debris onto any public street or alley.

Section 2. That existing Section 613.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1695-65, passed October 18, 1965, is repealed.

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

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

Ord. No. 792-06.

By Council Member Coats.

An emergency ordinance to amend Section 411.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1263-02, passed October 28, 2002, relating to toy vehicles and games on streets; seizure and disposal of mobile basketball hoops.

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 411.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1263-02, passed October 28, 2002, is amended to read as follows:

Section 411.04 Toy Vehicles and Games on Streets; Seizure and Disposal of Mobile Basketball Hoops'

(a) No person on roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go on a roadway except while crossing a street at a crosswalk and except on streets set aside as play streets when authorized for that purpose.

(b) No person shall fly a kite or play any game of ball, including playing or using mobile or moveable basketball hoops, or other game on any street unless the street has been set aside for playground purposes.

(c) In addition to the penalties set forth in Section 403.99 any mobile or moveable basketball hoop or any

equipment or device used as a moveable or mobile basketball hoop, that has been used on one (1) prior occasion in the commission of a violation of division (b) of this section for which there has been a conviction, without regard to the ownership of the property and without regard to whether the same person or persons were convicted of the offense, is declared to be contraband, and shall be seized and disposed of under Section 2933.43 of the Revised Code.

Section 2. That existing Section 411.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1263-02, passed October 28, 2002, is repealed.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 789-06.

By Council Member White (by request).

An emergency resolution declaring the intent to vacate a portion of Richmond Avenue S.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Richmond Avenue S.E., as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Richmond Avenue S.E. (40 feet wide) extending from the East right of way line of East 91st Street (56 feet wide) Easterly to the West right of way line of East 93rd Street (70 feet wide).

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

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

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

Res. No. 790-06.
By Council Member Cimperman
(by request).

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

Whereas, this Council is satisfied that there is good cause to vacate a portion of Sorg Court N.E., as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being all that portion of Sorg Court N.E. (width varies) extending Easterly from the Northerly prolongation of the Easterly right of way line of East 48th Place N.E. (12 feet wide) to the Westerly right of way line of East 49th Street (60 feet wide).

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

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

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

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

Ord. No. 798-06.
By Council Member Coats.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Substance of Life Enterprises, Incorporated for the Education through the Arts Program through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Substance of Life Enterprises, Incorporated for the Education through the Arts Program for the public purpose of providing educational classes on cultural art and history to Cleveland public school students through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not

to exceed \$8,880 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 799-06.
By Council Member Zone.
An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Detroit Shoreway Community Development Organization for the Community Retail Assessment Market Study through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for the Community Retail Assessment Market Study for the public purpose of increasing retail economic development opportunities in the commercial corridors of the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 802-06.
By Council Members Westbrook,
Sweeney and Zone.

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Cleveland Police Auxiliary A9 Base for safety education and crime prevention support through the use of Wards 18, 20 and 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Public Safety is authorized to enter into an agreement with the Cleveland Police Auxiliary A9 Base for safety education and crime prevention support for the public purpose of providing educational classes on crime prevention and safety support services to Cleveland residents through the use of Ward(s) 18, 20 and 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$4,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

Res. No. 793-06.
By Council Member Brady.
An emergency resolution withdrawing objections to the transfer of ownership and renewals of a D5 and D6 Liquor Permit at 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear, and repealing Resolution Nos. 2213-04, 1541-04 and 1321-05, objecting to said transfer and renewals.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear, by Resolution No. 2213-04 adopted by the Council on November 15, 2004; and to the renewals by Resolution No. 1541-04 adopted by the Council on August 11, 2004; and Resolution No. 1321-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objections to a D5 and D6 Liquor Permit to 10410 Lorain Avenue, Inc., DBA Bar 112, 11120 & 24 Lorain Avenue, 1st floor only and 11118 Lorain Avenue, 1st floor rear, Cleveland, Ohio 44111, Permanent Numbers 7679172 and 8843651 be and the same is hereby withdrawn and Resolution Nos. 2213-04, 1541-04 and 1321-05, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer and renewals 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 794-06.

By Council Member Britt.

An emergency resolution objecting to a New C1 Liquor Permit at 2131 East 79th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at I & I Food, Inc., 2131 East 79th Street, Cleveland, Ohio 44103, Permanent Number 4125278; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at I & I Food, Inc., 2131 East 79th Street, Cleveland, Ohio 44103, Permanent Number 4125278; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 795-06.

By Council Member Johnson.

An emergency resolution withdrawing objection to a New C2 Liquor Permit at 10017 Sophia Avenue, and repealing Resolution No. 334-06, objecting to said permit.

Whereas, this Council objected to a New C2 Liquor Permit to 10017 Sophia Avenue by Resolution No. 334-06 adopted by the Council on February 27, 2006; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C2 Liquor Permit to Hayfa, Inc., DBA Sophia Food Market, 10017 Sophia Avenue, Cleveland, Ohio 44104, Permanent Number 3693704,

be and the same is hereby withdrawn and Resolution No. 334-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 796-06.

By Council Member Johnson.

An emergency resolution withdrawing objection to a New C2 Liquor Permit at 9400 Buckeye Road, and repealing Resolution No. 383-06, objecting to said permit.

Whereas, this Council objected to a New C2 Liquor Permit to 9400 Buckeye Road by Resolution No. 383-06 adopted by the Council on February 27, 2006; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 New C2 Liquor Permit to Paulette D. Stewart, DBA Ttampas Mini Mart, 9400 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 84651870005, be and the same is hereby withdrawn and Resolution No. 383-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 797-06.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 779-83 East 185th Street, and repealing Resolution No. 335-06, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to Rogmoore, Inc., DBA Harland Pub, 779-83 East 185th Street, Cleveland, Ohio 44119, Permanent No. 7483542, by Resolution No. 335-06 adopted by the Council on February 27, 2006; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement between Michael D. Polensek and Applicant, David A. Rogers, President of Rogmoore, Inc.; and

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Rogmoore, Inc., DBA Harland Pub, 779-83 East 185th Street, Cleveland, Ohio 44119, Permanent Number 7483542, be and the same is hereby withdrawn and Resolution No. 335-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 800-06.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 15914 St. Clair Avenue, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from One Fifty Nine Peaches, Inc., DBA Peaches, 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 6548367 to 1-2-3 Richmond, Inc., 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 6549209; 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 transfer of ownership of a D5 and D6 Liquor Permit from One Fifty Nine Peaches, Inc., DBA Peaches, 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 6548367 to 1-2-3 Richmond, Inc., 15914 St. Clair Avenue, 1st floor and basement, Cleveland, Ohio 44110, Permanent Number 6549209; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 801-06.

By Council Members Zone, Sweeney, Britt, Brady, Cimperman, Pierce Scott, Coats, Conwell, Brancatelli and Polensek.

An emergency resolution in support of the Clean Beaches Council and National Clean Beaches Week, June 29 through July 5, 2006.

Whereas, June 29, 2006 begins the 3rd annual National Clean Beaches Week celebrating four themes important to beachgoers: travel/leisure; healthy seafood/dining; recreation and environment; and

Whereas, the Clean Beaches Council (CBC) will be a partner in events around the country, including a national beach cleanup on July 5, 2006; and

Whereas, CBC wants organizations, agencies, states and cities to host an event that emphasizes one or more of the four themes; and

Whereas, these events can include: beach cleanups, litter prevention campaigns, dune planting/habitat protection, beautification of beaches, seafood festivals and coastal recreation competitions/activities; and

Whereas, last year, CBC expanded National Clean Beaches Week to reach coastal mayors and governors, resulting in over 40 mayors, including those in Los Angeles, Chicago and New York, and 20 governors issuing proclamations in support and recognition of the week; and

Whereas, last year 23 members of Congress sponsored a House Resolution celebrating National Clean Beaches Week; and

Whereas, this Council recognizes the importance of increasing public awareness and volunteer participation in beach sustainability; 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 Clean Beaches Council and National Clean Beaches Week, June 29 through July 5, 2006.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Bob Taft, all state and federal legislators from the State of Ohio, and to the Clean Beaches Council.

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

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

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1835-05.

By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 49th Street to Scott Bibb.

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

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

Ord. No. 2075-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more professional consultants to provide services necessary to manage the Gateway East and Gateway North Garages for a period not to exceed five years.

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

1. In the title, line 6, insert a period after "Garages" and strike the remainder of the line.

2. In Section 1, first paragraph, at the end, strike the period and insert "**which may include an option or options to renew exercisable by the Director, provided that each contract or contracts authorized by this ordinance shall expire not later than 2010.**".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 2.

Those voting yea: Council Members: Sweeney, Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Cummins, Johnson, Pierce Scott, Kelley, Santiago, Turner, Westbrook, White, Zone.

Those voting nay: Council Members Conwell and Polensek.

Absent: Council Members Dolan, Lewis and Reed

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. 300-06.

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

An emergency ordinance determining the method of making the public improvement of constructing maintenance yard wash-out pits; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement.

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

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

Ord. No. 374-06.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to the Enterprise Zone Agreement with Avenir Properties, LLC for tax abatement for certain real property as an incentive to assist with the company's development of a new manufacturing and distribution facility located at the Ashland Oil property located at East 146th Street and Velma Avenue to add the Gebauer Company.

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

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

Ord. No. 501-06.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various vehicle and equipment parts, repairs, or services, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 565-06.

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

An emergency ordinance authorizing the Directors of City Planning and Port Control to lease certain property to Lake Shore Electric Railway, for a term of eighteen months, with one option to renew for an additional six-month period, for the purpose of storage and a temporary museum for a historic trolley collection and associated equipment.

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

1. In Section 5, at the end, insert the following: "**The lease shall include a provision specifying that the Lessee is responsible for maintenance of the leased premises, to include keeping the premises clean and tidy and disposing of trash.**".

Amendment agreed to.

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

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

Ord. No. 566-06.

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

An emergency ordinance approving the reports of the assessment equalization boards on objections concerning estimated assessments to relay and repair sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way to relay and repair sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on East 154th Street from Kinsman Road to Bartlett Avenue, West 54th Street from Lorain Avenue to Bridge Avenue, West 84th Street from Clark Avenue to Denison Avenue, and Tuttle Avenue from West Park Avenue to Munn Road; determining to proceed with the improvements; and adopting the equalized assessments.

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

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

Ord. No. 646-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sum opposite the name of the claimant.

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

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

Ord. No. 647-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of scanning services, for the Division of Taxation, Department of Finance, for a period of one year with four one year options to renew.

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

1. In the title, line 5; and in Section 1, line 5, strike "four" and insert "**three**".

Amendment agreed to.

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

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

Ord. No. 734-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of uniform clothing for security bailiffs, for the

Department of Finance, on behalf of the Cleveland Municipal Court.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 618-06.

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

An emergency resolution supporting 13th Street Co., Ltd's application to the County of Cuyahoga for a County Brownfield Redevelopment Fund grant, in Ward 13.

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

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

LAID ON THE TABLE

Ord. No. 1684-2000.

By Councilmen Cimperman and Polensek.

An emergency ordinance authorizing the Director of Public Safety to enter into a Lease with the Cleveland Police Historical Society, Inc. & Museum, located on the second floor of the Third District Police Station in Ward 13.

Ord. No. 1265-04.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new section 135.57, relating to inter-municipal agreements for police services or equipment.

Without objection, Ordinance No. 1684-2000 and Ordinance No. 1265-04 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 1684-2000 and Ordinance No. 1265-04 laid on the table.

MOTION

By Council Member Brady, seconded by Council Member Brancatelli and unanimously carried that the absence of Council Members Michael A. Dolan, Fannie M. Lewis and Zachary Reed, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:45 p.m. to meet Monday, May 8, 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

April 26, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 26, 2006, at 10:30 a.m. with Mayor Jackson presiding.

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

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 146-06.

By Director Dumas.

Whereas, Board of Control Resolution No. 84-06, adopted March 15, 2006, authorized the Director of Finance to enter into a contract with Commercial Door Co., d.b.a. Cleveland Key Shop for an estimated quantity of keys, locks, and hardware, all items, for various divisions of City government; and

Whereas, Resolution No. 84-06 incorrectly identified the bidder as Commercial Door Co., d.b.a. Cleveland Key Shop, when the bidder's legal name is Commercial Door Service, Inc., now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 84-06, adopted by this Board March 15, 2006, approving the bid of Commercial Door Co., d.b.a. Cleveland Key Shop as lowest and best for an estimated quantity of keys, locks, and hardware, all items, is amended by correcting the bidder's name to Commercial Door Service, Inc., d.b.a. Cleveland Key Shop.

Be it further resolved that all other provisions of Resolution No. 84-06 not expressly amended above shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: None.

Resolution No. 147-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Lake Erie Electric, for an estimated quantity of maintenance and repair of bridge and decorative lighting, all items, for the Division of Cleveland Public Power, Depart-

ment of Public Utilities, for a period of two years beginning with the date of execution of a contract, received on January 26, 2006, under the authority of Ordinance No. 1633-05, passed December 5, 2005, which on the basis of the estimated quantity would amount to \$500,000.00 (Net, 30 Days), is approved as the lowest and best bid, and the Director of Public Utilities 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. 157810 which shall be certified against the contract in the sum of \$150,000.00.

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Lake Erie Electric, for maintenance and repair of bridge and decorative lighting for the above mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>AWARD</u>
Minority Electric Supply	\$61,981.33 (MBE) 16.1%
Lakeland Electric Co.	\$ 5,312.69 (FBE) 1.38%

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

Nays: None.

Absent: None.

Resolution No. 148-06.

By Interim Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on April 7, 2006 for an estimated quantity of labor and materials to maintain/repair various material handling equipment: industrial trucks, sweepers & scrubbers, aerial lifts, tractors and appurtenances for the various Divisions of the Department of Public Utilities, under the authority of Ordinance No. 1027-05, passed July 13, 2005, are rejected.

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

Nays: None.

Absent: None.

Resolution No. 149-06.

By Interim Director Mok.

Whereas, under the authority of Ordinance No. 915-2000, passed by the Council of the City of Cleveland on June 11, 2001, and Board of Control Resolution No. 754-01, adopted October 17, 2001, the City, through

the Director of Port Control, entered into Contract No. 58894 with Parsons Brinkerhoff Ohio, Inc. (Consultant), to provide professional services necessary for the design and planning of the long term parking garage located at Cleveland Hopkins International Airport; and

Whereas, the City has determined that additional design services are necessary for the full development of the long term parking garage; and

Whereas, the Consultant has proposed by its letter dated October 5, 2005 to complete the additional work necessary for an amount of \$50,004.00; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a modification to the agreement between the City of Cleveland and Parsons Brinkerhoff Ohio, Inc., Contract No. 58894. The amount to be paid for these additional services shall not exceed \$50,004.00, increasing the contract to not exceed \$485,000.00.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following sub consultants by Parsons Brinkerhoff Ohio, Inc. is approved:

<u>Subconsultant</u>	<u>DBE/MBE/FBE %</u>	<u>Amount</u>
Robert P. Madison	MBE - 26.07%	\$126,450.00
Prime Engineering	MBE - 7.07%	\$ 34,333.00
City Blue Print	FBE - .52%	\$ 2,531.34

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

Nays: None.
Absent: None.

Resolution No. 150-06.

By Interim Director Mok.

Resolved by the Board of Control of the City of Cleveland, that all bids received on April 19, 2006 for the public improvement of the Runway 6R-24L Uncoupling, phase 1, for the Division of Cleveland Hopkins International Airport, Department of Port Control, under the authority of Ordinance No. 462-05, passed by the Council of the City of Cleveland on May 9, 2005, be and the same are rejected.

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

Nays: None.
Absent: None.

Resolution No. 151-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that all bids received on February 3, 2006, for an estimated quantity of Toro Mower

Parts, for the Division of Recreation, Department of Parks, Recreation and Properties, under the authority of Ordinance No. 816-05, passed by the Council of the City of Cleveland on June 6, 2005, are rejected.

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

Nays: None.
Absent: None.

Resolution No. 152-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that all bids received on February 3, 2006, for an estimated quantity of Jacobsen Mower Parts, for the Division of Recreation, Department of Parks, Recreation and Properties, under the authority of Ordinance No. 816-05, passed by the Council of the City of Cleveland on June 6, 2005, are rejected.

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

Nays: None.
Absent: None.

Resolution No. 153-06.

By Director Cox.

Resolved, by the Board of Control of the City of Cleveland that all bids received on February 3, 2006, for an estimated quantity of Cushman Equipment Parts, for the Division of Recreation, Department of Parks, Recreation and Properties, under the authority of Ordinance No. 816-05, passed by the Council of the City of Cleveland on June 6, 2005, are rejected.

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

Nays: None.
Absent: None.

Resolution No. 154-06.

By Director Hutchinson.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 316-06, passed by the Council of the City of Cleveland on March 27, 2006, Ceridian 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 employed by contract for professional services to administer the City of Cleveland's COBRA program and HIPAA compliance.

Be it further resolved that the Director of Personnel & Human Resource is authorized to enter into contract with Ceridian based on its proposal dated February 23, 2006, for a one year term starting April 1, 2006, which contract shall be prepared by the Director of Law, shall provide for the furnishing of pro-

fessional services as contained in said proposal for an aggregate fee of \$36,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

Nays: None.
Absent: None.

Resolution No. 155-06.

By Director Hutchinson.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 317-06, passed by the Council of the City of Cleveland on March 27, 2006, Axiom 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 employed by contract for professional services to administer pre-employment background and criminal checks for the Department of Personnel and Human Resources.

Be it further resolved that the Director of Personnel & Human Resource is authorized to enter into contract with Axiom based on its proposal dated February 23, 2006, for a fifteen month period, with one option to renew for an additional one year period, starting April 1, 2006, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as contained in said proposal for an aggregate fee of \$50,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

Nays: None.
Absent: None.

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 commis-

sion 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, MAY 15, 2006

9:30 A.M.

Calendar No. 06-66: 7300 St. Clair Avenue (Ward 7)

David Bolger, owner, and Brightside Academy c/o John Eliopoulos, prospective tenant, appeal to establish use for a day care facility in an existing one-story masonry building, situated on an irregular shaped 308' x 404' corner parcel that extends from East 74th Street to East 72nd Street, located in a Local Retail Business District on the southwest corner of St. Clair Avenue at 7300 St. Clair Avenue; as proposed, the day care and its uses require the Board of Zoning Appeals approval if located less than 15' from a residential district, by reference as regulated in a Multi-Family District and Section 337.02(e)(3) of the Codified Ordinances.

Calendar No. 06-67: 13528-30 Miles Avenue (Ward 1)

Marvin Butler, owner, appeals to change from a poultry house to wrecking, storage and auto repair, the use of an existing 48' x 76' one-story, brick building, situated on an approximate 38,400 s/f lot in a Semi-Industry District on the south side of Miles Avenue at 13528-30 Miles Avenue; contrary to Section 345.03, the proposed use is not permitted in the Semi-Industry District but first permitted in a General Industry District and is subject to Sections 345.04(a)(4) that require auto wrecking to be in an area of 50,000 s/f and open storage with auto wrecking to be enclosed by a minimum 7' high, solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence, as stated in Sections 345.04(a)(3) of the Codified Ordinances.

Calendar No. 06-68: 16800 South Waterloo Road (Ward 11)

Musmor Properties LLC, owner, and East Side Metals, tenant, appeal to establish use as a scrap metal recycling operation, situated on acreage located in zoning for Semi-Industry and General Industry Districts on the south side of Waterloo Road at 16800 South Waterloo Road; subject to the limitations of Section 345.03, the proposed use is not permitted in a Semi-Industry District but first per-

mitted in Section 345.04 for a General Industry District, and a 6' wide landscaping strip is required along South Waterloo Road, as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 06-69: 2905-11 Chester Avenue (Ward 13)

The 2905 Chester Avenue, LLC, owner, and Michael Prosser, agent, appeal to erect a 340 room, 4-story dormitory with an accessory 120 space parking lot, proposed to be situated on consolidated parcels located in split zoning for General Retail Business and Semi-Industry Districts on the northwest corner of Chester Avenue and East 30th Street at 2905-11 Chester Avenue; contrary to Section 349.04(a), 120 parking spaces are provided where the rate of one space per four beds, or 170 spaces, are required, plus additional spaces in an undetermined number for managers and other employees; and subject to the limitations of Section 355.04, in a "C" Area District the maximum gross floor area cannot exceed one-half of the lot area; and contrary to Section 357.07(a), portions of the proposed building and parking are setback 5' to 8' along East 30th Street, where there is a specific 10' setback established; and no landscaping is provided along East 30th Street where a 6' landscaping strip of 50% opacity is required to screen the parking lot from the street, and a landscape plan listing botanic and common names of plants, quantities of planting, height and installation at maturity are required to be shown on a landscaping plan, as stated in Sections 352.08 through Section 352.12 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 1, 2006

At the meeting of the Board of Zoning Appeals on Monday, May 1, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-57: 14008 Glendale Avenue

Marilyn Moore appealed to erect a 3' x 71' metal wheelchair ramp at the front of a one family dwelling in an A1 One-Family District.

Calendar No. 06-58: 16920 East Park Drive

Ross and Jennifer Steinberg appealed to erect an 11' x 23' frame deck at the front of a one family dwelling in an A1 One Family District.

The following appeal was **Denied:**

Calendar No. 06-59: 9903 Raymond Avenue

Nokita Sparks appealed to expand a two family dwelling to include a day care for 12 children in a B1 Two-Family District.

The following appeal was **Withdrawn:**

None.

The following appeal was **Dismissed:**

None.

The following appeals were **Postponed:**

Calendar No. 06-40: 5708 Train Avenue postponed to May 15, 2006.

Calendar No. 06-60: 4669 State Road postponed to May 22, 2006.

In Executive Session on May 1, 2006, the following appeals heard by the Board on April 24, 2006 was adopted and approved.

The following appeal was **Approved:**

Calendar No. 06-55: 4261 Fulton Parkway

Downing Memphis LLC appealed to erect an addition to an existing nonconforming use on acreage located in split zoning for Local Retail Business and Two-Family Districts.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Thursday, May 11, 2006
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Thursday, May 11, 2006, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 199-06.

By Council Member Cimperman. An ordinance changing the Use District of property on the southwest corner of St. Clair Avenue and Old River Road (West 11th Street) as shaded on the attached map from

a General Industry Use District to a General Retail Use District (Map Change No. 2174, Sheet 1).

Ord. No. 200-06.

By Council Member Santiago.

An ordinance changing the Use and Area Districts of properties located on the southeast corner of Fulton Road and Meyer Avenue from a Two Family Residential District, a 'B' Area District to an RA2 Townhouse District (Map Change No. 2173, Sheet No. 2).

Ord. No. 707-06.

By Council Member Cimperman.

An ordinance to change the zoning of parcels on the north side Detroit Avenue between West 29th Street and West 45th Street from a Two Family Residential District to an Open Space and Recreation District (Map Change No. 2179; Sheet No. 1).

Ord. No. 718-06.

By Council Member Brady.

An ordinance to change the zoning of lands on the east and west sides of West 117th Street from Governor Avenue to Bellaire Road as shown on the attached maps (Map Change No. 2180 Sheet No. 2 and 12).

Joseph C. Cimperman
Chairman
Committee on City Planning

May 3, 2006 and May 10, 2006

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."

ified 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."

FRIDAY, MAY 12, 2006

Cushman Equipment Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 816-05, passed by the Council of the City of Cleveland, June 6, 2005. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 8, 2006 AT 11:00 A.M., DIVISION OF RECREATION CONFERENCE, ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Toro Mower Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 816-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 8, 2006 AT 11:30 A.M., DIVISION OF RECREATION CONFERENCE, ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Jacobsen Mower Parts for Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 816-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 8, 2006 AT 12:00 P.M., DIVISION OF RECREATION CONFERENCE, ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 26, 2006 and May 3, 2006

THURSDAY, MAY 18, 2006

Pipe Repair Clamps, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 4, 2006 AT 10:00 A.M., DIVISION OF WATER — DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, METER CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

Purchase and Rental of Various Types of Safety Equipment for Compliance with OSHA Regulations, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 1028-05, passed by the Council of the City of Cleveland, July 13, 2005. THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, MAY 4, 2006 AT 2:00 P.M., DIVISION OF WATER, 1201 LAKESIDE AVENUE, 1ST FLOOR AUDITORIUM, CLEVELAND, OHIO 44114. **THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO**

DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

April 26, 2006 and May 3, 2006

FRIDAY, MAY 19, 2006

Tree Lawn Repair, for the Various Divisions, Department of Public Utilities, as authorized by Ordinance No. 1024-05, passed by the Council of the City of Cleveland, September 19, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MAY 4, 2006 AT 10:00 A.M., DIVISION OF WATER — DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, S.A.M. CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

April 26, 2006 and May 3, 2006

WEDNESDAY, MAY 24, 2006

Bunker Gear Suits, Including Proximity Pants, Proximity Coats, Hoods, Helmets, Suspenders and Boots, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 247-06, passed by the Council of the City of Cleveland, March 17, 2006. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MAY 12, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

April 26, 2006 and May 3, 2006

FRIDAY, MAY 19, 2006

St. Clair Avenue Resurfacing (from East 55th Street to East 72nd Street), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 193-06, passed by the Council of the City of Cleveland, March 20, 2006.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 12, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.

May 3, 2006 and May 10, 2006

THURSDAY, MAY 25, 2006

House of Corrections Sprinkler Heads Replacement Project, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2145-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 16, 2006 AT 2:00 P.M., HOUSE OF CORRECTIONS (VISITOR'S ROOM), LOCATED IN THE LAST BUILDING OFF OF MILL CREEK BLVD., OFF OF GREEN ROAD, HIGHLAND HILLS, OHIO 44122.

May 3, 2006 and May 10, 2006

WEDNESDAY, MAY 31, 2006

Medium Duty Ranges, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 3-04, passed by the Council of the City of Cleveland, February 9, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 12, 2006 AT 11:00 A.M., CLEVELAND FIRE HEAD-QUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

Board Up — Group 1, for the Department of Building and Housing, as authorized by Ordinance No. 653-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 17, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM, 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Board Up — Group 2, for the Department of Building and Housing, as authorized by Ordinance No. 653-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 17, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM, 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 3, 2006 and May 10, 2006

THURSDAY, JUNE 1, 2006

Board Up — Group 3, for the Department of Building and Housing, as authorized by Ordinance No. 653-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 17, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM, 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Board Up — Group 4 and Emergency Service, for the Department of Building and Housing, as authorized by Ordinance No. 653-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 17, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM, 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 3, 2006 and May 10, 2006

FRIDAY, JUNE 16, 2006

Purchase of Hauling and Disposing of Water Plant Residuals, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2232-05, passed by the Council of the City of Cleveland, January 23, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MAY 19, 2006 AT 2:30 P.M., DIVISION OF WATER, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 3, 2006 and May 10, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 749-06.
By Council Members Cleveland and Zone.

An emergency resolution proclaiming April 26, 2006 as Cleveland Community Voice Mail Day and acknowledging the Cleveland Community Voice Mail staff that help provide a vital service to the homeless in Cleveland.

Whereas, Cleveland's homeless population surpasses 25,000 people over the course of a year, with over 4,000 people homeless every night and 2,000 living in shelters; and

Whereas, Cleveland's homeless population needs access to safe, affordable, decent housing and jobs that pay a living wage; and

Whereas, the Cleveland Community Voice Mail program provides a telephone number and message service to those who are homeless and those with very low incomes in Cleveland, allowing those struggling to find housing to receive messages from potential landlords, employers and social service providers; and

Whereas, Cleveland Community Voice Mail has a 70% success rate in linking people to employers, landlords and social service providers; and

Whereas, Cleveland Community Voice Mail has been in operation for the past 6 years and has served over 17,000 people by providing them safe, reliable access to messages; and

Whereas, the Cleveland Community Voice Mail service has expanded to Lorain County; currently over 60 agencies distribute Voice Mail boxes in Cuyahoga and Lorain counties; and

Whereas, Cleveland Community Voice Mail won the Golden Phone Award in 2005 as the best voice mail

system out of 37 voice mail programs in the United States; and

Whereas, Cleveland Community Voice Mail has worked to provide free toll free telephone numbers for the victims of Hurricanes Katrina and Rita so they could keep contact with relatives scattered across the country; 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 April 26, 2006 as Cleveland Community Voice Mail Day and acknowledges the Cleveland Community Voice Mail staff that help provide a vital service to the homeless in Cleveland.

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 April 24, 2006.

Effective April 28, 2006.

Res. No. 753-06.
By Council Member Cleveland.
An emergency resolution objecting to a New C1 Liquor Permit at 7002 Cedar Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Cedar 70, Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1351124; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preserva-

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Cedar 70, Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1351124; 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 April 24, 2006.

Effective April 28, 2006.

Res. No. 754-06.

By Council Member Coats.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to Johnny & Co. Bar and Grille, LLC, 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4307201; 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 D1, D2, D3 and D3A Liquor Permit from JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 to Johnny & Co. Bar and Grille, LLC, 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4307201; 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 April 24, 2006.

Effective April 28, 2006.

Res. No. 755-06.

By Council Member Santiago.

An emergency resolution withdrawing objection to the renewal of a D1, D3, D3A and D6 Liquor Permit at 2572 Scranton Road, 1st and 2nd floors, and repealing Resolution No. 1327-05, objecting to said renewal.

Whereas, this Council objected to a D1, D3, D3A and D6 Liquor Permit to 2572 Scranton Road, 1st and 2nd floors, by Resolution No. 1327-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objection to a D1, D3, D3A and D6 Liquor Permit to Liebatons, LLC, DBA Starkweather

South Side, 2572 Scranton Road, 1st and 2nd floors, Cleveland, Ohio 44113, Permanent Number 5191268 be and the same is hereby withdrawn and Resolution No. 1327-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 24, 2006.

Effective April 28, 2006.

Res. No. 756-06.

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

An emergency resolution urging the Ohio Department of Development to develop criteria for the Ohio Jobs Ready Sites Program that are fair and enable urban communities to apply for and receive funding.

Whereas, the Ohio Department of Development (ODOD) is developing criteria and rules by which communities in Ohio may apply for and receive funding under the Ohio Jobs Ready Sites program; and

Whereas, this Council understands that the State is considering a rule that would create a minimum acreage requirement, limiting the eligible acreage to at least 150 acres; and

Whereas, such a limitation would significantly limit, if not eliminate, the ability of urban communities to apply for the funds available under the Ohio Jobs Ready Sites program; and

Whereas, the Ohio Jobs Ready Sites program was made possible by passage of State Issue 1, passed overwhelmingly by voters in urban areas of the state, including Cuyahoga County; and the City of Cleveland, the same areas that will be ineligible to apply for and receive funding under this program, should the burdensome minimum acreage requirement be made a criteria; and

Whereas, a minimum acreage requirement such as the one described above is inconsistent with the legislative intent of the bill creating the Ohio Jobs Ready Sites program; and

Whereas, the ODOD should also consider making the amount and nature of eligible local matching funds through the Jobs Ready Sites program less restrictive for smaller urban areas; and

Whereas, the ODOD should also consider the proximity to existing infrastructure an asset in the site certification process; 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 Ohio Department of Development to develop criteria for the Ohio Jobs Ready Sites Program that are fair and enable urban communities to apply for and receive funding.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to Lt. Governor Bruce Johnson and Fran Migliorino in the Office of Governor Bob Taft, and to the members of the Ohio House and Senate representing the city of Cleveland.

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 April 24, 2006.

Effective April 28, 2006.

Res. No. 758-06.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1204 Old River Road, Mezzanine and Patio.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Kaos in the Flats, Inc., DBA Kaos, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 4462671 to Lucic Enterprises, Inc., DBA Lucic's, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 5337947; 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 D1, D2, D3, D3A and D6 Liquor Permit from Kaos in the Flats, Inc., DBA Kaos, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 4462671 to Lucic Enterprises, Inc., DBA Lucic's, 1204 Old River Road, Mezzanine and Patio, Cleveland, Ohio 44113, Permanent Number 5337947; 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 April 24, 2006.

Effective April 28, 2006.

Res. No. 759-06.

By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 6524 St. Clair Avenue, 1st floor, basement and patio.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from John's Tavern, Inc., DBA John's Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 4298461 to ARA Enterprise, Inc., DBA TKS Tavern, 1st floor and basement and patio, 6524 St. Clair Avenue 44103, Permanent Number 0251410; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from John's Tavern, Inc., DBA John's Tavern, 1st floor, basement and patio, 6524 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 4298461 to ARA Enterprise, Inc., DBA TKS Tavern, 1st floor and basement and patio, 6524 St. Clair Avenue 44103, Permanent Number 0251410; 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 April 24, 2006.

Effective April 28, 2006.

Ord. No. 579-06.

By Council Member Sweeney.
An emergency ordinance authorizing the Director of Economic Development to enter into a development agreement with the Cleveland-Cuyahoga County Port Authority and Flats East Development LLC., for construction and financing of residential units and related commercial 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 notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio 1976, to the contrary, the Director of Economic Development is authorized to enter into and execute a development agreement for and on behalf of the City of Cleveland with the Cleveland-Cuyahoga County Port Authority and Flats East Development LLC, for the private redevelopment and related improvements to implement the Flats East Development project.

Section 2. That the terms of the final development agreement shall be substantially similar to the copy placed in File No. 579-06-B.

Section 3. That the Directors of Economic Development and Law, and such appropriate City officials are authorized to execute the document and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the project agreement.

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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 583-06.

By Council Member Sweeney.

An emergency ordinance to amend Section 1 of Ordinance No. 2831-86, passed February 9, 1987, as amended by various ordinances, relating to establishing a Community Reinvestment Area in the downtown area.

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 6 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance Nos. 1171-94, passed July 20, 1994, 959-99, passed June 7, 1999, 2095-99, passed December 13, 1999, and 842-02, passed June 10, 2002, and Ordinance 551-03, passed May 19, 2003, are amended to read as follows:

Section 6. That the Community Reinvestment Area described in this ordinance shall expire on June 15, 2007, unless an extension is authorized by an amendment by Council; provided, however, that if for any reason the designation of the area is revoked by the City or the terms of the abatement provided under this ordinance are modified or allowed to expire, the entitlements granted under this ordinance for any "multi-family residential project" for which a development agreement has been entered into with the City, with concurrence of Council, prior to December 31, 2006, shall continue at the current percentage of exemption and term of years.

Section 2. That the existing Section 6 of Ordinance No. 2831-86, passed February 9, 1987, as amended by Ordinance Nos. 1171-94, passed July 20, 1994, 959-99, passed June 7, 1999, 2095-99, Ordinance No. 842-02, passed June 10, 2002, as amended by Ordinance 551-03, passed May 19, 2003, are repealed.

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

Passed April 24, 2006.
Effective April 28, 2006.

Ord. No. 655-06.

By Council Member Cimperman.

An emergency ordinance authorizing the City to pay a portion of the costs of various utility and infrastructure improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05.

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, provided the City enters into a Development Agreement with the Cleveland-Cuyahoga County Port Authority ("Port Authority") and Flats East Development LLC, the Directors of Public Service and Public Utilities are authorized to enter into one or more agreements with the Port Authority for the making of the utility and infrastructure improvements described in the Development Agreement by the Port Authority within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05, passed October 17, 2005. The agreements authorized in this section shall require that the Port Authority let the contracts for the improvements under the Port Authority's standard competitive processes, that contributions from each City department shall be used only for the specific purposes of each department as defined in the Development Agreement, and that appropriate reporting and scheduling requirements shall be in place to ensure that the City's contributions are used only for the authorized purposes and made only when needed for such purposes.

Section 2. That, provided the City enters into a Development Agreement with the Port Authority and Flats East Development LLC, this Council authorizes the contribution by the City of labor, materials or funds for the utility and infrastructure improvements described in section 1 above in the estimated amounts of \$740,000 from the Division of Water (Fund No. 52 SF 001), \$3,400,000 from the Division of Cleveland Public Power (Fund No. 58 SF 001), and \$1,000,000 from the Department of Public Service (Fund Nos. 20 SF 363, 20 SF 372, 20 SF 379, 20

SF 393, and 20 SF 505), Request No. 146268.

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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 656-06.

By Council Member Cimperman.

An emergency ordinance authorizing the City to pay costs of public improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05, passed October 17, 2005.

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

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

Section 1. That, provided the City enters into a Development Agreement with the Cleveland-Cuyahoga County Port Authority ("Port Authority") and Flats East Development LLC, this Council authorizes the Director of Finance to pay the debt service on not to exceed \$11,000,000 of obligations issued by the Port Authority for the purpose of constructing various public improvements within the Flats East Bank Community Plan area, as described in Ordinance No. 1644-05, passed October 17, 2005, including the authority to execute a cooperation agreement and all other documents necessary to pay the debt service, provided the City does not issue City bonds for this purpose. The payment of debt service on those obligations will be subject to annual appropriation from one or more of the following funds: Fund Nos. 01 SF 001, 11 SF 006, and 54 SF 001.

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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 751-06.

By Council Member Turner.

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the Harvard Community Services Center for the Community Bridge Building Program through the use of Ward 1 Neighborhood Equity Funds.

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

a municipal department; now, therefore,

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

Section 1. That the Director of Community Development enters into a contract with the Harvard Community Services Center for the Community Bridge Building Program for the public purpose of providing social support and educational services to senior citizens and disabled residents residing in the City of Cleveland through Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$95,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 24, 2006.
Effective April 28, 2006.

Ord. No. 752-06.

By Council Member Turner.

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with the William E. Sanders Family Life Center, Inc., and the Harvard Community Services Center serving as the fiscal agent for the Neighborhood Community Social Support Program through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development enters into or amends contracts with the William E. Sanders Family Life Center, Inc., and the Harvard Community Services Center serving as the fiscal agent for the Neighborhood Community Social Support Program for the public purpose of providing food and clothing to needy families residing in the City of Cleveland through Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

Passed April 24, 2006.
Effective April 28, 2006.

Ord. No. 757-06.

By Council Member Kelley.

An emergency ordinance authorizing the Director of Building and Housing to secure bids for the demolition and remediation of the Memphis School through the use of Ward 16 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Building and Housing to secure bids for the demolition and remediation of the Memphis School located at 4103 Memphis Ave., Cleveland, Ohio 44109 for the public purpose of implementing a neighborhood development project for the residents in the City of Cleveland through the use of Ward 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$150,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 24, 2006.
Effective April 28, 2006.

Ord. No. 760-06.

By Council Member Britt.

An emergency ordinance consenting and approving the issuance of a permit for the 2nd Annual Cleveland Clinic Nurses Fun Run, May 2, 2006, sponsored 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 2nd Annual Cleveland Clinic Nurses Fun Run, sponsored by Hermes Sports & Events, on May 6, 2006, with the run beginning at the Crile Building at East 100th; East 100th to Cedar; East on Cedar to East 105th; north on East 105th to East 88th to turn around; return same route 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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 761-06.

By Council Member Britt.

An emergency ordinance consenting and approving the issuance of a permit for The World Congress of Endourology Run, August 19, 2006, sponsored 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 World Congress of Endourology Run, August 19, 2006, sponsored by Hermes Sports & Events, on August 19, 2006; no roads will be completely closed; traffic will be maintained as the runners pass each point, traffic will be reopened; the run begins at Carnegie & East 100th; south to Cedar; west to East 105th, north to Ansel Road; turn around and repeat, finishing at Carnegie and East 100th, 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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 762-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the American Cancer Society Walk, on May 20, 2006, sponsored by the American Cancer Society.

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 American Cancer Society Walk, sponsored by the American Cancer Society on May 20, 2006, starting at East 6th to Huron; Huron cross Superior to West 9th; West 9th to St. Clair; St. Clair to West 3rd; West 3rd to Erieside; Erieside to East 9th; East 9th to Eagle; Eagle to Gateway Plaza 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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 763-06.

By Council Member Conwell.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch one (1) banner at Ford Drive, for the period from May 12, 2006 to May 22, 2006, inclusive, publicizing the Hessler Street Fair.

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 Hessler Neighborhood Association to install, maintain and remove one banner at Ford Drive, for a period from May 12, 2006 to May 22, 2006, inclusive. Said ban-

ner 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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 764-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Westside Charity Foot Race, on June 10, 2006, sponsored by Hermes Sports.

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 Westside Charity Foot Race, sponsored by Hermes Sports on June 10, 2006, starting at WSCC on Lorain; Lorain to Fulton Road; Fulton to Franklin Blvd.; Franklin Blvd. to West 65th; turn around, Franklin Blvd. to West 38th; West 38th to Lorain; Lorain to WSCC — 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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 765-06.

By Council Member Pierce Scott.

An emergency ordinance consenting and approving the issuance of a permit for the 19th Annual Michael R. White Miler Fun Run, on May 25, 2006, (raindate: May 26, 2006) sponsored by Michael R. White Elementary School.

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 19th Annual Michael R. White Fun Run, sponsored by Michael R. White Elementary School on May 25, 2006 (raindate: May 26, 2006), beginning at the school, 1000 East 92nd St., west on Parkgate Road to East Boulevard to Parkside Road, north on Parkside Road to Parkgate Road, east on Parkgate Road and finish at the school, 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 April 24, 2006.
Effective April 28, 2006.

Ord. No. 766-06.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Olive Missionary Baptist Church to stretch banners on the northwest corner of East 134th & Kinsman and the north side of Union of Murtis Taylor's driveway to an adjacent pole to the south side of Union, for the period from May 25, 2006 to June 17, 2006, inclusive, publicizing the church's 6th Annual Juneteenth Celebration.

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 Mt. Haven Missionary Baptist Church to install, maintain and remove banners on the northwest corner of East 134th & Kinsman and the north side of Union of Murtis Taylor's driveway to an adjacent pole to the south side of Union, for the period from May 25, 2006 to June 17, 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 April 24, 2006.
 Effective April 28, 2006.

land, Polensek, Westbrook, Santiago. *Authorized Absence:* Cummins, Dolan, Kelley.

Monday, May 1, 2006

11:00 a.m.

Public Service Committee: Present: Brady, Chair; Turner, Vice Chair; Cleveland, Polensek, Cummins, White, Reed, Santiago. *Authorized Absence:* Johnson.

2:00 p.m.

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

COUNCIL COMMITTEE MEETINGS

Wednesday, April 26, 2006

12:30 p.m.

Public Utilities Committee: Present: Zone, Chair; Reed, Vice Chair; Cleve-

Thursday, May 4, 2006

10:00 a.m.

Public Safety Committee: *CANCELLED.*

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