

# The City Record

Official Publication of the Council of the City of Cleveland



---

January the Eighteenth, 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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	7
Board of Zoning Appeals	7
Board of Building Standards and Building Appeals	8
Public Notice	9
Public Hearings	10
City of Cleveland Bids	10
Adopted Resolutions and Ordinances	11
Committee Meetings	15
Index	15

# 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.....	1138 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

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Governmental Affairs  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Michael A. House, Executive Assistant to the Mayor, Press Secretary  
Edwin Nunez, Interim Director, Office of Equal Opportunity

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

DEPT. OF FINANCE – Sharon Dumas, Interim Director, Room 104;

Frank Badalamenti, Manager, Internal Audit

DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19  
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
City Treasury – Algeron Walker, Treasurer, Room 115  
Financial Reporting and Control – James Gentile, Controller, Room 18  
Information Technology and Services – Douglas Divish, Commissioner, 1404 East 9th Street  
Purchases and Supplies – James E. Hardy, Commissioner, Room 128  
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

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

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

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

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Antoinette Thompson, Interim Director

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Interim Director

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

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

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, \_\_\_\_\_, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director 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.

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

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

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

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

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

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director \_\_\_\_\_; Council President Martin J. Sweeney; Councilman Dona Brady; Councilman \_\_\_\_\_.

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, JANUARY 18, 2006

No. 4806

## CITY COUNCIL

MONDAY, JANUARY 16, 2006

### The City Record

Published weekly by the City Clerk,  
Clerk of Council under authority  
of the Charter of the  
City of Cleveland

The City Record is available  
online at

[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Address all communications to

**EMILY LIPOVAN**

City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

1:30 P.M. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

#### Rules Committee:

**Personnel and Operations Committee:**

**Mayor's Appointment Committee:**

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Ed Nunez, Commissioner, Office of Equal Opportunity.

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

#### Resolution No. 1-06.

By Interim Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dortronic Inc. dba Action Door for an estimated quantity of labor and materials needed to maintain and repair overhead doors, all items, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on November 23, 2005, under the authority of Ordinance No. 552-05, passed April 11, 2005, which on the basis of the estimated quantity would amount to \$340,000.00 (0% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 155004 which shall be certified against the contract in the sum of \$17,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to Dortronic Inc. dba Action Door, for the above-mentioned service is hereby approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE WORK</u>
Samsel Supply Co.	0.06 % FBE - \$ 1,000.00
Lakeland Electric Co., Inc.	0.06 % FBE - \$ 1,000.00
Aamco Transmissions	5.55 % FBE - \$20,000.00
Ruby's Hardware & Supply, Inc.	0.06 % MBE - \$ 1,000.00

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

January 11, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 11, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Absent: None.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 2-06.**

By Director Baker.

By Interim Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distributors, Inc. dba Leader Electric Supply Co. for an estimated quantity of dry cell batteries, all items, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on October 21, 2005, under the authority of Ordinance No. 633-05, passed May 2, 2005, which on the basis of the estimated quantity would amount to \$12,373.30 (0% Net 30 Days), is affirmed and approved, as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 157752

which shall be certified against the contract in the sum of \$619.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 3-06.**

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 952-05 and 1784-05, passed by the Council of the City of Cleveland on June 6, 2005 and September 19, 2005, DLZ Ohio, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional services necessary to perform professional engineering services for the Big Creek Watershed Stormwater Management Improvement Project, for the Division of Water Pollution Control, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with DLZ Ohio, Inc. based upon its proposal dated September 15, 2005, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional ser-

vices as described in the proposal, for an aggregate fee not in excess of \$1,338,630.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by DLZ Ohio, Inc. for the above-mentioned professional service is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
<u>MBE/FBE</u>	
Water Resource	
MBE	\$ 73,709.00 (5.51%)
Polytech, Inc.	
MBE	\$100,000.00 (7.47%)
Prime Engineering	
MBE	\$ 47,804.00 (3.57%)
KS Associates, Inc.	
FBE	\$147,376.00 (11.01%)
Biohabitats, Inc.	\$111,067.00

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 4-06.**

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 45-05, adopted January 26, 2005, under the authority of Ordinance No. 758-04, passed by the Council of the City of Cleveland on June 7, 2004, approving CH2M Hill Constructors, Inc. as the firm to be employed by contract for professional services to design, provide, install and integrate a comprehensive security system or systems, including maintenance and training, for the Security Enhancements Project, for the Division of Water, Department of Public Utilities, is amended by increasing the subcontract amount for Ozanne Construction Company, Inc. (MBE) from \$1,232,000.00 (5.51%) to \$1,509,400.00 (6.74%), and by adding of Business Information Group, \$2,936,704.27 (13.12%) as an approved subcontractor.

Be it further resolved that all other provisions of Resolution No. 45-05 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 5-06.**

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 610-05, adopted October 26, 2005, under the authority of Ordinance No. 946-05, passed by the Council of the City of Cleveland on June 6, 2005, approving Shook/Kokosing, LLC for the public improvement of the Morgan Filter Rehabilitation Project, for the Division of Water, Department of Public Utilities, is amended by increasing the subcontract amount for Dmytryka Jacobs Engineers, Inc. (MBE) from \$1,460,000.00 (4.82%) to \$1,465,000.00 (4.84%), decreasing the subcontract amount for Resource International, Inc. (FBE) from \$94,670.00 (0.31%) to \$66,526.00 (0.22%), deleting the subcontractor Orion Painting & Contracting Inc. \$1,007,205.00 (3.33%) and substituting Orion Painting & Contracting Inc. (FBE) \$1,027,205.00 (3.39%), and by adding of R-Cap Security (FBE) \$125,000.00 (0.41%) as an approved subcontractor.

Be it further resolved that all other provisions of Resolution No. 610-05 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 6-06.**

By Interim Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Terrace Construction Co. for the public improvement of construction and installation of replacement sewers and repair and rehabilitation of existing sewers at various locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on December 9, 2005, under the authority of Section 129.292 of Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$571,340.00, is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is requested to enter into a Requirement Contract for the improvement, which contract shall provide for the initial performance of the following work:

Requisition No. 155002

which shall be certified against the contract in the sum of \$500,000.00.

The requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate

of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the following sub-contractors to Terrace Construction Co. for the above-mentioned public improvement by requirement are approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
<u>MBE</u>	
The Vallejo Co., Inc.	
MBE	\$85,725.00 (15.00%)
Rockport Construction	
FBE	\$28,575.00 (5.00%)

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 7-06.**

By Interim Director Ciaccia.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Jack Doheny Supplies Ohio, Inc. for estimated quantity of labor and materials to maintain and repair t.v. inspection trucks, all items, for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on October 20, 2005, under the authority of Ordinance No. 2290-04, passed January 24, 2005, which on the basis of the estimated quantity would amount to \$30,000.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 155001 which shall be certified against the contract in the sum of \$10,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 8-06.**

By Interim Director Ciaccia.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Underwater Marine Contractors for an estimated quantity of

diving and underwater inspection services (all items) for the Division of Water, Department of Public Utilities, for a period of one (1) year, received on October 7, 2005, under the authority of Ordinance 812-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$220,240.00, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161462 which shall be certified against the contract in the sum of \$40,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 9-06.**

By Interim Director Ciaccia.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of National Waterworks, Inc. for an estimated quantity of valves and appurtenances Group B (Items 1-13 and 15-20) and Group C (Items 1-5) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on October 28, 2005 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$590,092.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161461 which shall be certified against the contract in the sum of \$50,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 10-06.**

By Interim Director Ciaccia.  
Be it resolved by the Board of Control of the City of Cleveland that all bids received on October 28, 2005, for an estimated quantity of valves and appurtenances Group A (items 1-22), Group B (item 14) and Group C (item 6) for the Division of Water, Department of Public Utilities, under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 11-06.**

By Interim Director Wasik.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Frank Blackmon for an estimated quantity of lubricants part B, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on November 25, 2005, under the authority of Ordinance No. 826-05, passed by the Council of the City of Cleveland on June 6, 2005, which on the basis of the estimated quantity would amount to \$30,643.92 (2% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154361 which shall be certified against the contract in the sum of \$2,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.  
Absent: None.

**Resolution No. 12-06.**

By Interim Director Wasik.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of lubricants parts A and C, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one year beginning with the date of execution of a contract, received on November 25, 2005, under the authority of Ordinance No. 826-05, passed by the Council of the City of Cleveland on June 6, 2005, which

on the basis of the estimated quantity would amount to \$382,855.70 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154360

which shall be certified against the contract in the sum of \$20,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 13-06.**

By Interim Director Wasik.

Resolved by the Board of Control of the City of Cleveland, that all bids received on November 25, 2005, for lubricants, part D, for the Division of Motor Vehicle Maintenance, Department of Public Service, under the authority of Ordinance No. 826-05, passed by the Council of the City of Cleveland on June 6, 2005, be and the same are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 14-06.**

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Hertz Equipment Rental Corporation for an estimated quantity of aerial boom lifts, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on December 7, 2005, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to \$54,393.40 (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154362

which shall be certified against the contract in the sum of \$54,393.40.

The requirement contract shall

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 15-06.**

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of diesel fuel, item 1 (a, b, c) and item 2 (a), for the Division of Motor Vehicle Maintenance, Department of Public Service for the period of one year beginning with the later of the date of execution of a contract or February 24, 2006, received on November 25, 2005, under the authority of Ordinance No. 825-05, passed by the Council of the City of Cleveland on June 6, 2005, which on the basis of the estimated quantity would amount to \$964,159.40 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154363

which shall be certified against the contract in the sum of \$90,000.00.

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

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 16-06.**

By Interim Director Thompson.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 8, 2005, for labor and material necessary to repair test tees on the sanitary sewer at the Justice Center, including related work for the Division of Property Management, Department of Parks, Recreation and Properties, under the authority of Ordinance No. 472-05, passed by the Council of the City of Cleveland on April 11, 2005, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas,

Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 17-06.**

By Interim Director Thompson.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 8, 2005, for labor and materials and equipment to clear storm sewer at Enginehouse 20, including but not limited to cutting, removing and replacing pavement for the Division of Property Management, Department of Parks, Recreation and Properties, under the authority of Ordinance No. 704-05, passed by the Council of the City of Cleveland on June 6, 2005, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 18-06.**

By Interim Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 134-31-003, located at 8432 Webb Terrace under the Land Reutilization Program; and

Whereas, Ordinance No. 1199-02, passed June 17, 2002, as amended by Ordinance No. 917-05, passed by the Cleveland City Council July 13, 2005, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Board of Park Commissioners of the Cleveland Metropolitan Park District has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authorization of Ordinance No. 1199-02 passed June 17, 2002, as amended by Ordinance No. 917-05, passed by the Cleveland City Council, July 13, 2005, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Board of Park Commissioners of the Cleveland Metropolitan Park District for the sale and development of Permanent Parcel No. 134-31-003, as described in the ordinance as amended in accordance with the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$1.00, which amount is determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and Rybka.

Nays: None.

Absent: None.

**Resolution No. 19-06.**

By Interim Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-34-058 located at Bridge Avenue in Ward 13; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Julie A. Busch, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Julie A. Busch for the sale and development of Permanent Parcel No. 003-34-058 located at Bridge Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Acting Director McGraw, Interim Directors Wasik, Carroll, Flask, Thompson, Rush, Rudman, Interim Director Huth, Director Fumich, Interim Directors Taylor and 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 stated in the examination announcement.

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, JANUARY 30, 2006**

**9:30 A.M.**

**Calendar No. 05-391:** 11812 Kinsman Road (Ward 3)

Arthur Doxey, owner, appeals to construct a new parking lot on a 42' x 115' parcel in a B1 Two-Family District on the south side of Kinsman Road at 11812 Kinsman Road; and the proposed parking lot is contrary to Section 337.03 being not permitted in a Two-Family District but first permitted in a Local Retail Business District; and Section 352.09 requires a 10' wide transition strip and none is proposed where property lines about a Two-Family District at both sides and at the rear of the lot; and in Section 343.15(c) a driveway must be 15' from the property line when it abuts another driveway on an adjacent lot; and contrary to the Fence Regulations, a 6' tall privacy fence is proposed at the northwest corner of the lot and a fence located within 15' of an intersection with a public sidewalk and parallel to a driveway shall be 75% open, and it exceeds the 4' maximum fence height permitted in an actual front yard of a Residence District; with the proposed chain link fence in the northeast corner of the lot and privacy fence in the northwest corner being contrary to the requirement that only ornamental fence is permitted in the actual front yard of a Residence District,

as stated in Sections 358.03(a), 358.04(a) and (c) of the Codified Ordinances.

**Calendar No. 05-392:** 779 Linn Drive (Ward 8)

Glenville Homes III, LP, owner, appeal to erect an 18' x 43' two-story, frame single family residence and detached garage, proposed to be on a 40' x 174' parcel located in a Multi-Family District on the east side of Linn Drive at 779 Linn Drive; contrary to the Yards and Courts Requirements, 9' is provided where there may not be less than 10' from a main building on an adjoining lot and the total of both interior side yards provided is 9.9' and where not less than 10' is required, as stated in Section 357.09(b)(2) of the Codified Ordinances.

**Calendar No. 05-393:** 11208 Greenview Avenue (Ward 8)

Glenville Homes III, LP, owner, appeal to erect an 18' x 43' two-story, frame single family residence with an attached garage, proposed to be on a 40' x 94.35' parcel in a Two-Family District on the south side of Greenview Avenue at 11208 Greenview Avenue; contrary to the Yards and Courts Requirements, an 8.9' distance is provided where no building shall be erected less than 10' from a main building on an adjoining lot, as stated in Section 357.09(b)(2) of the Codified Ordinances.

**Calendar No. 05-394:** 3451 West 150th Street (Ward 21)

Frederick Leonard, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the disapproval of an application to erect a 24' x 76' two-story frame, single family residence with an attached garage on the property at 3451 West 150th Street, as determined by the City Planning Commission on November 4, 2005, according to the provisions of Section 337.25 of the Codified Ordinances.

**Calendar No. 06-01:** 12814 Carrington Avenue (Ward 20)

Kudaco LLP, and Murray Kudroff, owner, appeal to change an existing two-story, one family dwelling, formerly occupied as a convent building, to a three family dwelling, situated on a 40' x 150' parcel in an A1 One-Family District on the north side of Carrington Avenue at 12814 Carrington Avenue; where a three family dwelling is contrary to Section 337.02, not being permitted in a One-Family District and contrary to Section 357.09(2)C, a 3' interior side yard is provided and 10' is required and subject to Section 349.05(a), no required off-street parking shall be located within 10' of any wall of a residential building or structure containing ground floor openings which provide light and ventilation; and the former nonconforming use as a convent building requires the Board of Zoning Appeals approval, as stated in Section 359.01 of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**TUESDAY, JANUARY 17, 2006**

At the meeting of the Board of Zoning Appeals on Tuesday, January 17, 2006, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 05-382:** 11601 Shaker Boulevard  
Patrick Shaker Properties LLC appealed to change the use of a former service station site to a use for an office on a corner lot in a Local Retail Business District.

**Calendar No. 05-383:** 3601 Clinton Avenue  
Domestic Violence Center appealed to construct an addition to an existing, legal nonconforming boarding house in a Two-Family District.

The following appeal was **Denied**:

**Calendar No. 05-385:** 443 East 124th Street  
Tiffany Fulton, owner, and Mekhai Jackson, tenant, appeal to establish use as a Type A Day Care in a single family dwelling in an A1 One-Family District.

The following appeals were **Postponed**:

**Calendar No. 05-384:** 12115 Euclid Avenue postponed to February 13, 2006.

**Calendar No. 05-303:** 6501-09 Lorain Avenue postponed to February 13, 2006.

In Executive Session on January 17, 2006, the following appeals heard by the Board on January 9, 2006 were adopted and approved.

The following appeals were **Approved**:

**Calendar No. 05-380:** 2540 West 5th Street  
Cuyahoga Metropolitan Housing Authority appealed to construct 190 two and three-story townhouses in a Multi-Family District.

**Calendar No. 05-381:** 770 East 185th Street  
Gary Simmons appealed to construct a dumpster enclosure in the northwest corner of a restaurant parking lot in a Local Retail Business District.

**Calendar No. 05-348:** 3479 West 122nd Street  
Edith Berki appealed to enclose an existing open front porch in One-Family District.

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

Re: Report of the Meeting of January 11, 2006

As required by the provisions of Section 3103.20(2) of the Codified

Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

\* \* \*

**Docket A-115-05.**  
RE: Appeal of Moorad Rabah, Owner of the One Story Retail Property located on the premises known as 8202 Superior Avenue (aka 8202-06 Superior Avenue) from a FORTH-WITH/STOP WORK ORDER of the Director of the Department of Building and Housing, dated November 29, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

A motion is in order at this time to affirm the order that the Building Department issued stating that an engineering report is due; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-116-05.**  
RE: Appeal of Roy Middlebrooks, Owner of the Two Story Masonry Property located on the premises known as 3695 East 131st Street from a NOTICE OF VIOLATION — ELECTRICAL of the Director of the Department of Building and Housing, dated November 3, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to confirm the immediate vacation of the property based on the testimony presented and the inspection report of January 10th, 2006 from David Cooper, Chief Building Official. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-117-05.**  
RE: Appeal of Elias & Pierre Semann, Owners of the Two & One-half Story Frame Local Retail Property located on the premises known as 4526 Turney Road from a NOTICE OF VIOLATION — NO PERMIT and a STOP WORK ORDER of the Director of the Department of Building and Housing, dated October 11, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

\* \* \*

**Docket A-119-05.**  
RE: Appeal of AE Portfolio, LLC, Owner of the High-Rise Building located on the premises known as 125 East 156th Street from a NOTICE OF VIOLATION — RESI-

DENTIAL MAINTENANCE of the Director of the Department of Building and Housing, dated November 11, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

A motion is in order at this time to require that the balcony openings at the side as described be limited to a maximum of six (6) inches in one direction at the discretion of the inspector; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-120-05.**  
RE: Appeal of Aberdeen Investments, Inc., Owner of the One Dwelling Unit/three Story Wood Frame/Siding/Masonry Veneer Residential Property located on the premises known as 2108 Fairdale from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated July 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the furnace and hot water heater to remain approximately twelve (12) inches apart, with a note to present and future owners that this condition requires extra maintenance in the removal of the hot water heater or major furnace repairs and to have a signed acceptance of that condition from the owner. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-121-05.**  
RE: Appeal of Aberdeen Investments, Inc., Owner of the One Dwelling Unit/three Story Wood Frame/Siding/Masonry Veneer Residential Property located on the premises known as 2110 Fairdale from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated July 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the furnace and hot water heater to remain approximately twelve (12) inches apart, with a note to present and future owners that this condition requires extra maintenance in the removal of the hot water heater or major furnace repairs and to have a signed acceptance of that condition from the owner. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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



**Docket A-122-05.**

RE: Appeal of Aberdeen Investments, Inc., Owner of the One Dwelling Unit/three Story Wood Frame/Siding/Masonry Veneer Residential Property located on the premises known as 2112 Fairdale from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated July 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the furnace and hot water heater to remain approximately twelve (12) inches apart, with a note to present and future owners that this condition requires extra maintenance in the removal of the hot water heater or major furnace repairs and to have a signed acceptance of that condition from the owner. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-123-05.**

RE: Appeal of King Property & Management (League Park Center), Owner of the Property located on the premises known as 1688 East 70th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated December 13, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the OBC in certain areas based on the description by the owner of a residential type usage and a check-in point usage of the building limitation, limited occupancy of the second floor and a variance is granted to the ADA requirements until such are needed by request of perspective occupants; this does not relieve any Federal ADA requirements. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-125-05.**

RE: Appeal of Cleveland Clinic Foundation, Owner of the Property located on the premises known as 9500 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated December 7, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required to allow the UL rating to exist for the seven (7) foot three (3) inch vertical Mulin spacing in lieu of 66 inches based on the engineering report of the manufac-

turer and also to agree with the restrained construction classification of the building pending approval of the Board's structural engineer member. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-1-06.**

RE: Appeal of City of Cleveland — I-X Center, Owner of the Property located on the premises known as 6200 Riverside Drive from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 5, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the OBC requirement for a guideline for accessibility to a temporary structure and to permit the second floor of the model home to be non-ADA accessible with the provision that a tape, videotape will allow someone on the first floor to view the second floor in good clarity. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-86-05—Eric Minshall.
- A-113-05—Richard Hall & Tiffany Mosher.
- A-118-05—Steel Yard Commons LLC.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

December 14, 2005

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

\* \* \*

Secretary

**PUBLIC ANNOUNCEMENT**

**DOWNTOWN CLEVELAND IMPROVEMENT CORPORATION**

**Public Service Representatives Program – Request for Proposals for FY2006**

NOTICE IS HEREBY GIVEN that the Downtown Cleveland Improvement Corporation seeks proposals for a Public Service Representatives Program to provide uniformed public service representatives to function as "ambassadors of downtown" in the area of downtown Cleveland designated as the Downtown Cleveland Improvement District (the "District"). Firms experienced in providing these services and interested in being considered for a contract to provide those services should submit a proposal no later than 5:00 p.m., E.D.T., on February 3, 2006, to the Clean and Safe Committee of the Downtown Cleveland Improvement Corporation, 50 Public Square, Suite 825, Cleveland, Ohio 44113, subject to all of the terms and conditions of the request for proposals, which describes in more particular detail the District, the scope of services to be provided by the successful proposer(s), the qualifications desired of the successful proposer(s) and the evaluation criteria to be applied to the proposers. Copies of the request for proposals may be requested from the Downtown Cleveland Improvement Corporation (telephone (216) 736-7799, fax (216) 736-7792) or picked up at the office of the Downtown Cleveland Improvement Corporation at the above address. A pre-bid conference will be held at 2:00 p.m., E.D.T., on January 20, 2006, in the 27th floor Conference Center of Key Tower located at 127 Public Square, Cleveland, OH 44113.

Dated: January 6, 2006

**DOWNTOWN CLEVELAND IMPROVEMENT CORPORATION**

**Maintenance Program – Request for Proposals for FY2006**

NOTICE IS HEREBY GIVEN that the Downtown Cleveland Improvement Corporation seeks proposals for a Maintenance Program to provide for the maintenance of a clean, litter-free public environment through light maintenance and to improve and preserve the appearance of the area of downtown Cleveland designated as the Downtown Cleveland Improvement District (the "District"). Firms experienced in providing these services and interested in being considered for a contract to provide those services should submit a proposal no later than 5:00 p.m., E.D.T., on February 3, 2006, to the Clean and Safe Committee of the Downtown Cleveland Improvement Corporation, 50 Public Square, Suite 825, Cleveland, Ohio 44113, subject to all of the terms and conditions of the request for proposals, which describes in more particular detail the District, the scope of services to be provided by the successful proposer(s), the qualifications desired of the successful pro-

poser(s) and the evaluation criteria to be applied to the proposers. Copies of the request for proposals may be requested from the Downtown Cleveland Improvement Corporation (telephone (216) 736-7799, fax (216) 736-7792) or picked up at the office of the Downtown Cleveland Improvement Corporation at the above address. A pre-bid conference will be held at 2:00 p.m., E.D.T., on January 20, 2006, in the 27th floor Conference Center of Key Tower located at 127 Public Square, Cleveland, OH 44113.

Dated: January 6, 2006

January 11, 2006 and January 18, 2006

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**FRIDAY, JANUARY 20, 2006**

**Call Accounting System**, for the Division of Information Technology & Services, Department of Finance, as authorized by Ordinance No. 69-04, passed by the Council of the City of Cleveland, February 12, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 13, 2006 AT 9:00 A.M., DIVISION OF INFORMATION TECHNOLOGY & SERVICES, 205 ST. CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.

January 11, 2006 and January 18, 2006

**FRIDAY, JANUARY 27, 2006**

**M.S.A. Breathing Apparatus Parts and Repair**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 580-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JANUARY 20, 2006 AT 10:00 A.M., CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

January 11, 2006 and January 18, 2006

**WEDNESDAY, FEBRUARY 1, 2006**

**Labor and Materials Necessary to Maintain and Repair Automatic Doors**, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 2069-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 20, 2006 AT 11:00 A.M., 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

**The Construction of Jennings Road from Springs Road to Jennings Freeway Ramps**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 821-05, passed by the Council of the City of Cleveland, June 6, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 19, 2006 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.

January 11, 2006 and January 18, 2006

**FRIDAY, FEBRUARY 3, 2006**

**Maintenance, Repair and Replacement of Pipe-Type Cable and Related Equipment**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1014-

05, passed by the Council of the City of Cleveland, July 13, 2005. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JANUARY 26, 2006 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Office Supplies**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2129-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 20, 2006 AT 11:30 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Lumber**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2132-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JANUARY 20, 2006 AT 11:00 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 11, 2006 and January 18, 2006

**FRIDAY, FEBRUARY 3, 2006**

**Golf Course Food**, 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** THURSDAY, JANUARY 26, 2006 AT 10:00 A.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Golf Course Beverages**, 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** THURSDAY, JANUARY 26, 2006 AT 10:30 A.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Fertilizer, Pesticides and Seeds 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** THURSDAY, JANUARY 26, 2006 AT 11:00 A.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**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 THURSDAY, JANUARY 26, 2006 AT 11:30 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 THURSDAY, JANUARY 26, 2006 AT 12:00 P.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 THURSDAY, JANUARY 26, 2006 AT 12:30 P.M., DIVISION OF RECREATION, CONFERENCE ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

January 18, 2006 and January 25, 2006

### ADOPTED RESOLUTIONS AND ORDINANCES

#### Res. No. 25-06.

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

**An emergency resolution opposing Ohio Senate Bill 82 which prohibits political subdivisions from requiring their permanent full-time employees to reside in any specific area of the state as such bill violates the right of local self government which is afforded the citizens of a charter municipality under the Ohio Constitution.**

Whereas, pursuant to the Ohio Constitution, the City of Cleveland has adopted a charter by which it exercises all powers of local self government; and

Whereas, one such power is the power to require City residency as a condition of employment; and

Whereas, in 1982, the citizens of the City of Cleveland voted to amend their Charter to require employees of the City to be bona fide residents of the City and

remain residents during their terms of employment; and

Whereas, Cleveland's Charter amendment requiring City residency as a condition of employment was an exercise of the constitutional rights of the citizens of the City of Cleveland; generally, the right to govern themselves; and specifically, the right to establish residency as a condition of employment; and

Whereas, Senate Bill 82 is unconstitutional as it directly conflicts with a municipality's home rule powers; and

Whereas, Senate Bill 82 prevents the citizens of the City of Cleveland and other charter municipalities from exercising their constitutional rights, including the right to require employees, as a condition of employment, to live in a specific area; and

Whereas, Senate Bill 82 is part of a continuing attempt by the Ohio General Assembly to eliminate the right of the citizens of charter municipalities in Ohio to adopt a charter and to exercise the powers of local self government; 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 opposes Ohio Senate Bill 82 which prohibits political subdivisions from requiring their permanent full-time employees to reside in any specific area of the state, as such bill violates the right of local self government which is afforded the citizens of a charter municipality under the Ohio Constitution.

**Section 2.** That the Clerk is hereby directed to transmit copies of this resolution to Governor Bob Taft, all members of the Ohio General Assembly, the President of the Ohio Municipal League, the Cuyahoga County Mayors and Managers Association, the Northeast Ohio Mayors and Managers Association, and the members of the National League of Cities.

**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 January 9, 2006.

Effective January 10, 2006.

#### Res. No. 26-06.

**By Council Member Cimperman. An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit at 3528-30 Independence Road, and repealing Resolution No. 1554-05, objecting to said transfer.**

Whereas, this Council objected to a D2, D2X and D3 Liquor Permit to 3528 Independence Road by Resolution No. 1554-05 adopted by the Council on August 3, 2005; and

Whereas, this Council wishes to withdraw its objection to the above

transfer and consents to said transfer; and

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

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

**Section 1.** That objection to a D2, D2X and D3 Liquor Permit to Nicholas Albondante, DBA Stop In Café, 3528-30 Independence Road, Cleveland, Ohio 44105, Permanent Number 0098825 be and the same is hereby withdrawn and Resolution No. 1554-05, 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.

Adopted January 9, 2006.

Effective January 10, 2006.

#### Res. No. 27-06.

**By Council Member Coats. An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue, and repealing Resolution No. 1688-05, objecting to said permit.**

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 18029 St. Clair Avenue by Resolution No. 1688-05 adopted by the Council on September 12, 2005; 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 the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to New Foundation Real Estate Investment Corp., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6368876, be and the same is hereby withdrawn and Resolution No. 1688-05, 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.

Adopted January 9, 2006.

Effective January 10, 2006.

**Res. No. 28-06.****By Council Member Pierce Scott.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 863-71 East 93rd Street and repealing Resolution No. 1566-05, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 863-71 East 93rd Street by Resolution No. 1566-05 adopted by the Council on August 3, 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 C2 and C2X Liquor Permit to Samia, Inc., DBA Convenience Deli, 863-71 East 93rd Street, Cleveland, Ohio 44108, Permanent Number 7702571, be and the same is hereby withdrawn and Resolution No. 1566-05, 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 January 9, 2006.

Effective January 10, 2006.

**Res. No. 29-06.****By Council Member Santiago.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 3179 Scranton Road, 1st floor front, and repealing Resolution No. 1843-05, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Captain's Market, Inc., 3179 Scranton Road, 1st floor front, Cleveland, Ohio 44111, Permanent No. 1245725, by Resolution No. 1843-05 adopted by the Council on September 26, 2005; and

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

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

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

**Section 1.** That objection to a C1 Liquor Permit to Captain's Market, Inc., 3179 Scranton Road, 1st floor front, Cleveland, Ohio 44111, Permanent Number 1245725 be and the same is hereby withdrawn and Resolution No. 1843-05, 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.

Adopted January 9, 2006.

Effective January 10, 2006.

**Res. No. 30-06.****By Council Member Turner.**

**An emergency resolution withdrawing objection to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit at 13208 Caine Avenue and repealing Resolution No. 1219-04, objecting to said transfer.**

Whereas, this Council objected to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit to 13208 Caine, Inc., DBA Caine Tavern, 13208 Caine Avenue, Cleveland, Ohio 44105, Permanent No. 6553548, adopted by the Council on June 14, 2004; and

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

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

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

**Section 1.** That objection to a D1, D2, D3 and D3A Liquor Permit to 13208 Caine, Inc., DBA Caine Tavern, 13208 Caine Avenue, Cleveland, Ohio 44105, Permanent Number 6553548 be and the same is hereby withdrawn and Resolution No. 1219-04, 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.

Adopted January 9, 2006.

Effective January 10, 2006.

**Res. No. 31-06.****By Council Member Turner.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 14201 Miles Avenue, and repealing Resolution No. 317-05, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 14201 Miles Avenue by Resolution No. 317-05 adopted by the Council on February 28, 2005; 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 C1 Liquor Permit to 14201 Miles, Inc., DBA Yaba Market, 14201 Miles Avenue, Cleveland, Ohio 44128, Permanent Number 2850917, be and the same is hereby withdrawn and Resolution No. 317-05, 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.

Adopted January 9, 2006.

Effective January 10, 2006.

**Res. No. 32-06.****By Council Member White.**

**An emergency resolution withdrawing objection to the transfer of stock and transfer of ownership of a C2 and C2X Liquor Permit at 10808 Dove Avenue, and repealing Resolution Nos. 1911-05 and 22-05, objecting to said transfers.**

Whereas, this Council objected to the transfer of stock of a C2 and C2X Liquor Permit to 10808 Dove Avenue by Resolution No. 1911-05 adopted by the Council on October 10, 2005, and to the transfer of ownership by Resolution No. 22-05 adopted by the Council on January 10, 2005; and

Whereas, this Council wishes to withdraw its objections to the above transfers and consents to said transfers; 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 C2 and C2X Liquor Permit to Ocean, Inc., 10808 Dove Avenue, Cleveland, Ohio 44105, Permanent Number 6503136 be and the same is hereby withdrawn and Resolution Nos. 1911-05 and 22-05, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfers 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 January 9, 2006.

Effective January 10, 2006.

**Res. No. 33-06.****By Council Member Zone.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 5110 Clark Avenue, and repealing Resolution No. 1692-05, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to Harb's Marathon, LLC, DBA Harb's Marathon, 04, 5110 Clark Avenue, Cleveland, Ohio 44102 Permanent No. 35909520015, by Resolution No. 1692-05 adopted by the Council on September 12, 2005; and

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

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

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

**Section 1.** That objection to a C1 Liquor Permit to Harb's Marathon, LLC, DBA Harb's Marathon, 04, 5110 Clark Avenue, Cleveland, Ohio 44102 Permanent No. 35909520015, be and the same is hereby withdrawn and Resolution No. 1692-05, 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.

Adopted January 9, 2006.  
Effective January 10, 2006.

**Res. No. 34-06.****By Council Member Zone.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 5601 Clark Avenue, 1st floor, and repealing Resolution No. 1695-05, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 5601 Clark Avenue, Inc., DBA Cleveland Food Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent No. 2759413, by Resolution No. 1695-05 adopted by the Council on September 12, 2005; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to 5601 Clark Avenue, Inc., DBA Cleveland Food Market, 5601 Clark Avenue, 1st floor, Cleveland, Ohio 44102, Permanent Number 2759413 be and the same is

hereby withdrawn and Resolution No. 1695-05, 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.

Adopted January 9, 2006.  
Effective January 10, 2006.

**Res. No. 35-06.****By Council Member Zone.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3224 West 73rd Street, and repealing Resolution No. 729-05, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 3224 West 73rd Street by Resolution No. 729-05 adopted by the Council on April 18, 2005; 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 C1 Liquor Permit to Hanah Shihadeh, 3224 West 73rd Street, Cleveland, Ohio 44102, Permanent Number 8087286, be and the same is hereby withdrawn and Resolution No. 729-05, 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.

Adopted January 9, 2006.  
Effective January 10, 2006.

**Res. No. 36-06.****By Council Member Brancatelli.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 3367 East 65th Street and repealing Resolution No. 1549-05, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to Samir J. Amer, DBA Johnnie's Market, 3367 East 65th Street, Cleveland, Ohio 44127, Permanent Number 0174029 by Resolution No. 1549-05 adopted by the Council on August 3, 2005; and

Whereas, this Council wishes to withdraw its objection to the above

renewal and consents to said renewal; and

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Samir J. Amer, DBA Johnnie's Market, 3367 East 65th Street, Cleveland, Ohio 44127, Permanent Number 0174029 be and the same is hereby withdrawn and Resolution No. 1549-05, 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 January 9, 2006.  
Effective January 10, 2006.

**Ord. No. 1780-05.****By Mayor Campbell.**

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

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

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

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

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

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years without the approval of the board of education of the school district within the territory of which the improvements

are or will be located if the ordinance declaring improvements to a parcel to be a public purpose specifies that service payments in lieu of taxes provided for in Section 5709.42 of the Ohio Revised Code shall be paid to the school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation; and

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

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

**Section 1.** That pursuant to and in accordance with the provisions of Section 5709.41 of the Revised Code, this Council finds and determines that 100% of the increase in assessed value of the Property after its acquisition by the City (which increase in assessed value is referred to as "Improvement" as defined in Section 5709.41 of the Revised Code) will be a public purpose.

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

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

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

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

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

The remaining 30% shall be used for retail assistance programs and other commercial and industrial initiatives, including land acquisition, within the City. This 30% will be used primarily for projects that offset the impacts of Steelyard Com-

mons on adjacent neighborhood commercial districts, and use of these funds will be guided by the retail impact study currently underway. These funds will be disbursed quarterly as grants, on a competitive basis, under criteria established by this Council and the Cleveland City-wide Development Corporation (CCDC). The CCDC will evaluate applications and make recommendations to this Council. Projects in the following categories will be eligible:

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

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

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

Neighborhood Streetscape: in neighborhood commercial/residential districts;

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

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

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

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

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

**Section 10.** That there is hereby created an Advisory Committee that shall consist of five members selected as follows: one (1) member shall be appointed by this Council; one (1) member shall be appointed by the Mayor; one (1) member shall be appointed by the County Commissioners; and two (2) members shall be appointed by the Ohio Canal Corridor. The meetings of the Advisory Committee may be conducted at City Hall and shall be open to the public. Each six months, the Advisory Committee shall report to the Council Committees on Community and Economic Development and the Employment, Affirmative Action & Training on all aspects of the Im-

provement, including without limitation, overall progress, success on reaching employment goals, and a description of any purchases made in support of the Improvement.

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

**Section 12.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed January 9, 2006.

Effective January 10, 2006.

**Ord. No. 14-06.**

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

**An emergency ordinance to vacate a portion of Holmden Court S.W.**

Whereas, under Resolution No. 1668-05, adopted September 12, 2005, this Council declared its intention to vacate a portion of Holmden Court S.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on December 13, 2005, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 this Council declares that the following described real property is vacated:

Being all that portion of Holmden Court S. W. (14 feet wide) extending Easterly from the Southerly prolongation of the Easterly line of Sublot 22 in the Nicola & Judson Allotment recorded in Volume 5, Page 7 of the Cuyahoga County Map Records, to its Easterly terminus.

Reviewed and approved by Greg Esber, Survey Section Chief for E&C

**Section 2.** That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 3.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Auditor of Cuyahoga County.

**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 January 9, 2006.  
Effective January 10, 2006.

**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 January 9, 2006.  
Effective January 10, 2006.

**Section 1.** That, under division (B) of Section 4117.10 of the Revised Code, this Council rejects the tentative collective bargaining agreement with the Cleveland Association of Fire Fighters Local 93, under the terms contained in File No. 37-06-A, for the period from April 1, 2004 through March 31, 2007.

**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 January 9, 2006.  
Effective January 10, 2006.

**Ord. No. 24-06.**

**By Council Member Zone.**

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Great Lakes Towing Company for providing economic assistance for shipyard relocation and expansion in order to carry out the public purpose of job creation and retention 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 a grant agreement with The Great Lakes Towing Company for providing economic assistance for shipyard relocation and expansion in order to carry out the public purpose of job creation and retention 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 \$10,000 and shall be paid from Fund No. 10 SF 166.

**Ord. No. 37-06.**

**By Council Member Sweeney.**

**An emergency ordinance rejecting the tentative collective bargaining agreement with the Cleveland Association of Fire Fighters Local 93.**

Whereas, on December 28, 2005, the prior Administration entered into a tentative collective bargaining agreement with the Cleveland Association of Fire Fighters Local 93 for the period from April 1, 2004 through March 31, 2007 ("Tentative Agreement"); and

Whereas, the Tentative Agreement has been submitted to this Council under division (B) of Section 4117.10 of the Revised Code; and

Whereas, on January 9, 2006, this Council conducted a public hearing to review the Tentative Agreement; and

Whereas, this Council has determined to reject the Tentative Agreement; 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:

**COUNCIL COMMITTEE MEETINGS**

**Tuesday, January 17, 2006  
9:30 a.m.**

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

**Wednesday, January 18, 2006  
10:00 a.m.**

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

**1:30 p.m.**

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

**Index**

O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

Bold type in sections indicates amendments

**Board of Building Standards and Building Appeals**

East 131st Street, 3695, (Ward 3) — Roy Middlebrooks, owner — appeal resolved on 1/11/06 (Doc. A-116-05) ..... 60  
East 156th Street, 125, (Ward 11) — AE Portfolio, LLC, owner — appeal resolved on 1/11/06 (Doc. A-119-05) ..... 60  
East 40th Street, 1668, (Ward 13) — Richard Hall and Tiffany Mosher, owners — appeal adopted on 1/11/06 (Doc. A-113-05) ..... 61  
East 70th Street, 1688, (Ward 7) — King Property & Management (League Park Center), owner — appeal resolved on 1/11/06 (Doc. A-123-05) ..... 61  
Euclid Avenue, 9500, (Ward 6) — Cleveland Clinic Foundation, owner — appeal resolved on 1/11/06 (Doc. A-125-05) ..... 61  
Fairdale Avenue, 2108, (Ward 16) — Aberdeen Investments, Inc., owner — appeal resolved on 1/11/06 (Doc. A-120-05)..... 60

Fairdale Avenue, 2110, (Ward 16) — Aberdeen Investments, Inc., owner — appeal resolved  
 on 1/11/06 (Doc. A-121-05)..... 60

Fairdale Avenue, 2112, (Ward 16) — Aberdeen Investments, Inc., owner — appeal resolved  
 on 1/11/06 (Doc. A-122-05)..... 61

Riverside Drive, 6200, (Ward 20) — City of Cleveland — I-X Center, owner — appeal  
 resolved on 1/11/06 (Doc. A-1-06) ..... 61

Steel Yards Drive, 3531, (Ward 15) — Steel Yards Commons, LLC, owner — appeal adopted on  
 1/11/06 (Doc. A-118-05) ..... 61

Superior Avenue, 2310, (Ward 13) — Eric Minshall, Receiver, owner — appeal adopted  
 on 1/11/06 (Doc. A-86-05)..... 61

Superior Avenue, 8202, (a.k.a. 8202-06 Superior Avenue), (Ward 7) — Moorad Rabah, owner —  
 appeal resolved on 1/11/06 (Doc. A-115-05) ..... 60

Turney Road, 4526, (Ward 2) — Elias and Pierre Semann, owners — appeal resolved on  
 1/11/06 (Doc. A-117-05) ..... 60

**Board of Control — Community Development Department**

Bridge Avenue (Ward 13) — PPN 003-34-058 — Julie A. Busch  
 (BOC Res. 19-06) ..... 59

Webb Terrace, 8432 (Ward 12) — PPN 134-31-003 — Board of Park Commissioners  
 of the Cleveland Metropolitan Park District per Ord. 1199-02, 917-05  
 (BOC Res. 18-06) ..... 58

**Board of Control — Finance Department**

Batteries, dry cell — contract per Ord. 633-05 to Consolidated Electric  
 Distributors, Inc., d.b.a., Leader Electric Supply Co.  
 (BOC Res. 2-06) ..... 56

Doors, overhead, maintain and repair — contract per Ord. 552-05 to Dortronic, Inc.,  
 d.b.a., Action Door (BOC Res. 1-06) ..... 55

**Board of Control — Garrett A. Morgan Water Works Plant**

Filter Rehabilitation Project — amend BOC Res. 610-05 — Division of Water, Dept. of  
 Public Utilities (BOC Res. 5-06)..... 56

**Board of Control — Land Reutilization Program**

Bridge Avenue (Ward 13) — PPN 003-34-058 — Julie A. Busch  
 (BOC Res. 19-06) ..... 59

Webb Terrace, 8432 (Ward 12) — PPN 134-31-003 — Board of Park Commissioners  
 of the Cleveland Metropolitan Park District per Ord. 1199-02, 917-05  
 (BOC Res. 18-06) ..... 58

**Board of Control — Motor Vehicle Maintenance Division**

Diesel fuel — contract per Ord. 825-05 to Universal Oil, Inc. — Dept. of Public Service  
 (BOC Res. 15-06) ..... 58

Lubricants — contract per Ord. 826-05 to Frank Blackmon — Dept. of Public Service  
 (BOC Res. 11-06) ..... 57

Lubricants — contract per Ord. 826-05 to Universal Oil, Inc. — Dept. of Public Service  
 (BOC Res. 12-06) ..... 57

Lubricants — per Ord. 826-05 — bids rejected — Dept. of Public Service  
 (BOC Res. 13-06) ..... 58

**Board of Control — Parks, Recreation and Properties Department**

Sewer cleaning at Enginehouse 20 — per Ord. 704-05 — all bids rejected —  
 Division of Property Management (BOC Res. 17-06) ..... 58

Test tee repair on sanitary sewer at Justice Center — per Ord. 472-05 —  
 all bids rejected — Division of Property Management  
 (BOC Res. 16-06) ..... 58



**Board of Control — Professional Service Contracts**

Big Creek Watershed Stormwater Management Improvement Project  
 engineering services — contract per Ord. 952-05, 1784-05 to DLZ Ohio, Inc. —  
 Division of Water Pollution Control, Dept. of Public Utilities  
 (BOC Res. 3-06) ..... 56

Security Enhancements Project security systems — amend BOC  
 Res. 45-05 — Division of Water, Dept. of Public Utilities  
 (BOC Res. 4-06) ..... 56

**Board of Control — Property Management Division**

Sewer cleaning at Enginehouse 20 — per Ord. 704-05 — all bids rejected —  
 Dept. of Parks, Recreation and Properties (BOC Res. 17-06) ..... 58

Test tee repair on sanitary sewer at Justice Center — per Ord. 472-05 —  
 all bids rejected — Dept. of Parks, Recreation and Properties  
 (BOC Res. 16-06) ..... 58

**Board of Control — Public Improvement Contracts**

Morgan Filter Rehabilitation Project — amend BOC Res. 610-05 —  
 Division of Water, Dept. of Public Utilities (BOC Res. 5-06) ..... 56

Sewers, replacement and repair — contract per C.O. Sec. 129.292 to  
 Terrace Construction Co. — Division of Water Pollution Control,  
 Dept. of Public Utilities (BOC Res. 6-06) ..... 56

**Board of Control — Public Service Department**

Aerial boom lifts — contract per Ord. 1481-04 to Hertz Equipment  
 Rental Corporation (BOC Res. 14-06) ..... 58

Diesel fuel — contract per Ord. 825-05 to Universal Oil, Inc. —  
 Division of Motor Vehicle Maintenance (BOC Res. 15-06) ..... 58

Lubricants — contract per Ord. 826-05 to Frank Blackmon —  
 Division of Motor Vehicle Maintenance (BOC Res. 11-06) ..... 57

Lubricants — contract per Ord. 826-05 to Universal Oil, Inc. —  
 Division of Motor Vehicle Maintenance (BOC Res. 12-06) ..... 57

Lubricants — per Ord. 826-05 — bids rejected — Division of Motor Vehicle  
 Maintenance (BOC Res. 13-06) ..... 58

**Board of Control — Public Utilities Department**

Big Creek Watershed Stormwater Management Improvement Project  
 engineering services — contract per Ord. 952-05, 1784-05 to  
 DLZ Ohio, Inc. — Division of Water Pollution Control  
 (BOC Res. 3-06) ..... 56

Diving and underwater inspection services — contract per Ord. 812-05 to  
 Underwater Marine Contractors — Division of Water  
 (BOC Res. 8-06) ..... 57

Morgan Filter Rehabilitation Project — amend BOC Res. 610-05 — Division  
 of Water (BOC Res. 5-06) ..... 56

Security Enhancements Project security systems — amend BOC Res. 45-05 —  
 Division of Water (BOC Res. 4-06) ..... 56

Sewers, replacement and repair — contract per C.O. Sec. 129.292 to  
 Terrace Construction Co. — Division of Water Pollution Control  
 (BOC Res. 6-06) ..... 56

Trucks, T.V. inspection — contract per Ord. 2290-04 to Jack Doheny  
 Supplies Ohio, Inc. — Division of Water Pollution Control  
 (BOC Res. 7-06) ..... 57

Valves and appurtenances — contract per C.O. Sec. 129.25 to  
 National Waterworks, Inc. — Division of Water  
 (BOC Res. 9-06) ..... 57

Valves and appurtenances — per C.O. Sec. 129.25 — bids rejected — Division of Water  
 (BOC Res. 10-06) ..... 57

**Board of Control — Requirement Contracts**

Aerial boom lifts — contract per Ord. 1481-04 to Hertz Equipment Rental Corporation — Dept. of Public Service (BOC Res. 14-06) ..... 58

Batteries, dry cell — contract per Ord. 633-05 to Consolidated Electric Distributors, Inc., d.b.a., Leader Electric Supply Co. — Dept. of Finance (BOC Res. 2-06) ..... 56

Diesel fuel — contract per Ord. 825-05 to Universal Oil, Inc. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 15-06) ..... 58

Diving and underwater inspection services — contract per Ord. 812-05 to Underwater Marine Contractors — Division of Water, Dept. of Public Utilities (BOC Res. 8-06)..... 57

Doors, overhead, maintain and repair — contract per Ord. 552-05 to Dortronic, Inc., d.b.a., Action Door — Dept. of Finance (BOC Res. 1-06) ..... 55

Lubricants — contract per Ord. 826-05 to Frank Blackmon — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 11-06) ..... 57

Lubricants — contract per Ord. 826-05 to Universal Oil, Inc. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 12-06) ..... 57

Trucks, T.V. inspection — contract per Ord. 2290-04 to Jack Doheny Supplies Ohio, Inc. — Division of Water Pollution Control, Dept. of Public Utilities (BOC Res. 7-06) ..... 57

Valves and appurtenances — contract per C.O. Sec. 129.25 to National Waterworks, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 9-06) ..... 57

**Board of Control — Water Division**

Diving and underwater inspection services — contract per Ord. 812-05 to Underwater Marine Contractors — Dept. of Public Utilities (BOC Res. 8-06) ..... 57

Morgan Filter Rehabilitation Project — amend BOC Res. 610-05 — Dept. of Public Utilities (BOC Res. 5-06) ..... 56

Security Enhancements Project security systems — amend BOC Res. 45-05 — Dept. of Public Utilities (BOC Res. 4-06) ..... 56

Valves and appurtenances — contract per C.O. Sec. 129.25 to National Waterworks, Inc. — Dept. of Public Utilities (BOC Res. 9-06) ..... 57

Valves and appurtenances — per C.O. Sec. 129.25 — bids rejected — Dept. of Public Utilities (BOC Res. 10-06) ..... 57

**Board of Control — Water Pollution Control Division**

Big Creek Watershed Stormwater Management Improvement Project engineering services — contract per Ord. 952-05, 1784-05 to DLZ Ohio, Inc. — Dept. of Public Utilities (BOC Res. 3-06) ..... 56

Sewers, replacement and repair — contract per C.O. Sec. 129.292 to Terrace Construction Co. — Dept. of Public Utilities (BOC Res. 6-06) ..... 56

Trucks, T.V. inspection — contract per Ord. 2290-04 to Jack Doheny Supplies Ohio, Inc. — Dept. of Public Utilities (BOC Res. 7-06) ..... 57

**Board of Zoning Appeals — Report**

Clinton Avenue, 3601, (Ward 13) — Domestic Violence Center, owner, and Kathy Alexander — appeal heard on 01/17/06 (Cal. 05-383)..... 60

East 114th Street, 443, (Ward 9) — Tiffany Fulton, owner, and Mekhai Jackson, tenant — appeal heard on 01/17/06 (Cal. 05-385)..... 60

East 185th Street, 770, (Ward 11) — Gary Simmons, owner — appeal granted and adopted on 1/17/06 (Cal. 05-381) ..... 60

Euclid Avenue, 12115, (Ward 9) — Rapid Stop Properties LLC, owner, and Ibrahim Najjar — appeal postponed to 2/13/06 on 01/17/06 (Cal. 05-384)..... 60

Lorain Avenue, 6501-09, (Ward 17) — Carlo Gutierrez, owner — appeal postponed to 2/13/06 on 1/17/06 (Cal. 05-303) ..... 60

Shaker Boulevard, 11601, (Ward 6) — Patrick Shaker Properties LLC, Owner and Michael Downing, agent — appeal heard on 01/17/06 (Cal. 05-382)..... 60

West 122nd Street, 2479, (Ward 19) — Edith Berki, owner — appeal granted and adopted on 1/17/06 (Cal. 05-348) ..... 60

West 5th Street, 2540, (Ward 13) — Cuyahoga Metropolitan Housing Authority, owner and August Fluker, agent — appeal granted and adopted on 1/17/06 (Cal. 05-380) ..... 60

**Board of Zoning Appeals — Schedule**

Carrington Avenue, 12814, (Ward 20) — Kudaco LLP, and Murray Kudroff, owner — appeal to be heard on 1/30/06 (Cal. 06-01)..... 59

Greenview Avenue, 11208, (Ward 8) — Glenville Homes, III, LP, owner — appeal to be heard on 1/30/06 (Cal. 05-393) ..... 59

Kinsman Road, 11812, (Ward 3) — Arthur Doxey, owner — appeal to be heard on 1/30/06 (Cal. 05-391) ..... 59

Linn Drive, 779, (Ward 8) — Glenville Homes, III, LP, owner — appeal to be heard on 1/30/06 (Cal. 05-392) ..... 59

West 150th Street, 3451, (Ward 21) — Frederick Leonard, owner — appeal to be heard on 1/30/06 (Cal. 05-394) ..... 59

**City of Cleveland Bids**

Beverages for golf courses — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 816-05 — bid due February 3, 2006 (advertised 1/18/2006 and 1/25/2006)..... 62

Cable, pipe-type and related equipment — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 1014-05 — bid due February 3, 2006 (advertised 1/11/2006 and 1/18/2006)..... 62

Call accounting system — Department of Finance — Division of Information Technology and Services — per Ord. 69-04 — bid due January 20, 2006 (advertised 1/11/2006 and 1/18/2006) ..... 62

Cushman equipment parts for golf courses — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 816-05 — bid due February 3, 2006 (advertised 1/18/2006 and 1/25/2006) ..... 63

Doors, automatic, labor and materials to maintain and repair — Department of Port Control — per Ord. 2069-05 — bid due February 1, 2006 (advertised 1/11/2006 and 1/18/2006)..... 62

Fertilizer, pesticides and seed for golf courses — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 816-05 — bid due February 3, 2006 (advertised 1/18/2006 and 1/25/2006) ..... 62

Food for golf courses — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 816-05 — bid due February 3, 2006 (advertised 1/18/2006 and 1/25/2006)..... 62

Jacobsen mower parts for golf courses — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 816-05 — bid due February 3, 2006 (advertised 1/18/2006 and 1/25/2006) .....	63
Jennings Road from Springs Road to Jennings Freeway ramps — Department of Public Service — Division of Engineering and Construction — per Ord. 821-05 — bid due February 1, 2006 (advertised 1/11/2006 and 1/18/2006).....	62
Lumber — Department of Finance — per Ord. 2132-05 — bid due February 3, 2006 (advertised 1/11/2006 and 1/18/2006) .....	62
M.S.A. breathing apparatus parts and repair — Department of Public Safety — Division of Fire — per Ord. 580-05 — bid due January 27, 2006 (advertised 1/11/2006 and 1/18/2006) .....	62
Office supplies — Department of Finance — per Ord. 2129-05 — bid due February 3, 2006 (advertised 1/11/2006 and 1/18/2006) .....	62
Toro mower parts for golf courses — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 816-05 — bid due February 3, 2006 (advertised 1/18/2006 and 1/25/2006) .....	63
<b>Cleveland Municipal School District</b>	
Steelyard Commons LLC — Tax Increment Financing Agreement — payments — Steelyard Commons TIF Fund — creation (O 1780-05) .....	65
<b>Collective Bargaining Agreements</b>	
Fire Fighters Local 93 — Cleveland Association — tentative collective bargaining agreement — Council reject (O 37-06).....	67
<b>Economic Development Department</b>	
Great Lakes Towing Company, The — shipyard relocation and expansion — Ward 17 NEF (O 24-06) .....	67
Steelyard Commons LLC — Tax Increment Financing Agreement — payments — Cleveland City School District — Steelyard Commons TIF Fund — creation (O 1780-05) .....	65
<b>Fire Division</b>	
Fire Fighters Local 93 — Cleveland Association — tentative collective bargaining agreement — Council reject (O 37-06).....	67
<b>Funds</b>	
Steelyard Commons LLC — Tax Increment Financing Agreement — payments — Cleveland City School District — Steelyard Commons TIF Fund — creation (O 1780-05) .....	65
<b>Liquor Permits</b>	
Caine Ave., 13208 — objection — withdraw (Ward 1) (R 30-06).....	64
Clark Ave., 5110 — objection — withdraw (Ward 17) (R 33-06).....	65
Clark Ave., 5601 — objection — withdraw (Ward 17) (R 34-06).....	65
Dove Ave., 10808 — objection — withdraw (Ward 2) (R 32-06) .....	64
E. 65th St., 3367 — objection — withdraw (Ward 12) (R 36-06) .....	65
E. 93rd St., 863-71 — objection — withdraw (Ward 8) (R 28-06) .....	64
Euclid Ave., 18029 — objection — withdraw (Ward 10) (R 27-06).....	63
Independence Rd., 3528-30 — objection — withdraw (Ward 13) (R 26-06) .....	63
Miles Ave., 14201 — objection — withdraw (Ward 1) (R 31-06) .....	64
Scranton Rd., 3179 — objection — withdraw (Ward 14) (R 29-06).....	64
W. 73rd St., 3224 — objection — withdraw (Ward 17) (R 35-06) .....	65

**Neighborhood Equity Funds**

Great Lakes Towing Company, The — shipyard relocation and expansion —  
 Ward 17 (O 24-06) ..... 67

**Residence Requirements**

Residence requirements prohibition — Ohio Senate Bill 82 — Council  
 oppose (R 25-06) ..... 63

**Resolutions — Miscellaneous**

Fire Fighters Local 93 — Cleveland Association —  
 tentative collective bargaining agreement — Council reject  
 (O 37-06) ..... 67  
 Residence requirements prohibition — Ohio Senate Bill 82 — Council  
 oppose (R 25-06) ..... 63

**Senate Bills**

Residence requirements prohibition — Ohio Senate Bill 82 — Council  
 oppose (R 25-06) ..... 63

**Service Department**

Holmden Ct., S.W. — vacate (O 14-06) ..... 66

**Street Vacation**

Holmden Ct., S.W. — vacate (O 14-06) ..... 66

**Ward 01**

Caine Ave., 13208 — objection — withdraw — liquor permit  
 (R 30-06) ..... 64  
 Miles Ave., 14201 — objection — withdraw — liquor permit  
 (R 31-06) ..... 64

**Ward 02**

Dove Ave., 10808 — objection — withdraw — liquor permit  
 (R 32-06) ..... 64

**Ward 08**

E. 93rd St., 863-71 — objection — withdraw — liquor permit  
 (R 28-06) ..... 64

**Ward 10**

Euclid Ave., 18029 — objection — withdraw — liquor permit  
 (R 27-06) ..... 63

**Ward 12**

E. 65th St., 3367 — objection — withdraw — liquor permit  
 (R 36-06) ..... 65

**Ward 13**

Holmden Ct., S.W. — vacate (O 14-06) ..... 66  
 Independence Rd., 3528-30 — objection — withdraw — liquor permit  
 (R 26-06) ..... 63

**Ward 14**

Scranton Rd., 3179 — objection — withdraw — liquor permit  
 (R 29-06) ..... 64

**Ward 17**

Clark Ave., 5110 — objection — withdraw — liquor permit  
 (R 33-06) ..... 65

Clark Ave., 5601 — objection — withdraw — liquor permit  
 (R 34-06) ..... 65

Great Lakes Towing Company, The — shipyard relocation and  
 expansion — NEF (O 24-06) ..... 67

W. 73rd St., 3224 — objection — withdraw — liquor permit  
 (R 35-06) ..... 65