

The City Record

Official Publication of the Council of the City of Cleveland



March the Thirtieth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	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	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	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 – Valarie J. McCall, 216 City Hall, 664-2840
First Assistant Clerk – Sandra Franklin

MAYOR – Jane L. Campbell

Christopher S. Ronayne, Chief of Staff
Darnell Brown, Chief Operating Officer
Craig Tame, Executive Assistant
Collette J. Appolito, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

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

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit

DIVISIONS: Accounts – Alan Schneider, 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, 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 C. Mok, 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 – Mark Ricchiuto, 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 – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Correction – 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 – Sanford E. Watson, 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 – _____, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, 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 – Dennis Donahue, 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, 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 – James G. Williams, Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Gina Routen, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Gregory G. Huth, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, 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; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Teresa M. Beasley, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities Director Julius Ciaccia; Council President Frank G. Jackson.

CITY AUDIT COMMITTEE – Robert Rawson, Chairman; Bracey Lewis, Frank Jackson, Stephen J. Strinisha, Teresa Beasley, Yvette M. Ittu.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

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

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, Council Member Merle Gordon.

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

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

MORAL CLAIMS COMMISSION – Law Director Teresa M. Beasley; Chairman; Finance Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

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

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

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

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Joan Syneberg	12A
Judge Pauline H. Tarver	12C
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	13C

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. 92

WEDNESDAY, MARCH 30, 2005

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CITY COUNCIL

MONDAY, MARCH 28, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chairman; White, Vice Chairman; Cimperman, Dolan, Jones, Rybka, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; Jones, Vice Chairman; Brady, Cimperman, Johnson, O'Malley, Polensek, White, Zone.

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chairman; Conwell, Vice Chairman; Cintron, Coats, Johnson, Reed, Polensek.

MONDAY

2:00 P.M. — **Finance Committee:** Jackson, Chairman; Sweeney, Vice Chairman; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

TUESDAY—Alternating

1:00 P.M. — **Health & Human Services Committee:** Britt, Chairman;

Zone, Vice Chairman; Cintron, Conwell, Gordon, Pierce Scott, Polensek.

1:30 P.M. — **Legislation Committee:** White, Chairman; Pierce Scott, Vice Chairman; Dolan, Gordon, Johnson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Britt, Dolan, Gordon, Reed, Rybka.

10:00 A.M. — **Public Safety Committee:** Reed, Chairman; Britt, Vice Chairman; Brady, Cimperman, Coats, Conwell, Jones, White, Zone.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; O'Malley, Vice Chairman; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M. — **City Planning Committee:** Cimperman, Chairman, Rybka, Vice Chairman, Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

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

Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

Personnel and Operations Committee: Gordon, Chairman; Britt, Cimperman, Coats, Pierce Scott.

Mayor's Appointment Committee: Coats, Chairman; Cintron, Reed, Pierce Scott, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, March 28, 2005

The meeting of the Council was called to order, The President, Frank G. Jackson, in the Chair.

Council Members present: Brady, Cimperman, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, Pierce-Scott, Polensek, Reed, Sweeney, White and Zone.

Also present were Chief of Staff Ronayne, Chief Operating Officer Brown, and Directors Baker, Ciaccia, Ricchiuto, Carroll, Watson, Ronayne, Rush, Williams, Huth, Fumich, Taylor, Johnson, Appolito, Brown and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Carlton Smith, Pastor of Antioch Fellowship Assembly Church. Pledge of Allegiance.

MOTION

On the motion of Council Member Pierce Scott, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Cimperman.

COMMUNICATIONS

File No. 569-05.

From Governor Bob Taft — receipt letter of Resolution Numbers 305-05 and 307-05. Received.

File No. 570-05.

From the Division of Assessments and Licenses — certified copy request of Resolution No. 2372-04. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 531-05 — Robert Bohr (Adopted March 21, 2005).

Res. No. 571-05—Annie B. Henderson.

Res. No. 572-05 — Shavon Louise Coleman.

CONGRATULATION RESOLUTIONS

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

Res. No. 573-05 — William David Waters.

Res. No. 574-05—Pastor Wayne D. Cox.

Res. No. 575-05—Kathleen A. Martin.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 544-05.**By Council Member Jackson (by departmental request).**

An emergency ordinance to reallocate funds appropriated for the use of the Housing Division of the Judicial Branch and the Clerks Division of the Judicial Branch under the annual appropriation measure, Ordinance No. 125-05, passed March 28, 2005.

Whereas, in the City's annual appropriation measure, Ordinance No. 125-05, passed March 28, 2005, the total amount of funds appropriated for the use of the Housing Division was inadvertently listed as \$9,921,289 instead of the correct figure of \$2,801,680; and

Whereas, the total amount of funds appropriated for the use of the Clerk Division was inadvertently listed as \$2,787,513 instead of the correct figure of \$9,907,122; and

Whereas, the total amount of funds appropriated for the use of the Judicial Division remains unchanged at \$21,003,577; and

Whereas, the total appropriation for each of these Divisions must be reallocated and transferred within the Judicial Branch to correctly show the Division's appropriations; and

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

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

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

Section 1. That the total appropriation for the Judicial Branch in Ordinance No. 125-05, passed March 28, 2005, is reallocated and transferred as follows:

GENERAL FUND		
JUDICIAL BRANCH		
Judicial Division		\$ 21,003,577
I. Personnel and Related Expenses	\$18,555,597	
II. Other Expenses	\$ 2,447,980	
Housing Division		\$ 2,801,680
I. Personnel and Related Expenses	\$ 2,660,210	
II. Other Expenses	\$ 141,470	
Clerk's Division		\$ 9,907,122
I. Personnel and Related Expenses	\$ 7,998,453	
II. Other Expenses	\$ 1,908,669	
TOTAL JUDICIAL BRANCH		\$ 33,712,379
TOTAL GENERAL FUND		\$477,947,062

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

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

Ord. No. 545-05.**By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of building materials and used paving bricks, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the necessary items of building materials and used paving bricks in the approximate amount as purchased

during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and

Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118736)

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

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

Ord. No. 546-05.**By Council Member Jackson (by departmental request).**

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118734)

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

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

Ord. No. 547-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of keys, locks, and hardware, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the necessary items of keys, locks, and hardware in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the

various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118737)

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

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

Ord. No. 548-05.

By Council Member Jackson (by departmental request).

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later pur-

chases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118733)

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

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

Ord. No. 549-05.

By Council Member Jackson (by departmental request).

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118732)

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

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

**Ord. No. 550-05.
By Council Member Jackson (by
departmental request).**

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118735)

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

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

**Ord. No. 551-05.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of telecommunications network services, equipment, peripheral ancillary devices, and maintenance, for the Division of Information Technology and Services, Department of Finance, for a period of one year with two options to renew for additional one-year terms.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement con-

tracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of telecommunications network services, equipment, peripheral ancillary devices, and maintenance, in the approximate amount as purchased during the preceding term, with two (2) options exercisable by the Director of Finance, to renew for an additional one-year consecutive terms, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 141930)

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

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

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

**Ord. No. 552-05.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to maintain and repair overhead doors, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and

materials needed to maintain and repair overhead doors in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118720)

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

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

**Ord. No. 553-05.
By Council Members Coats, Cimperman and Jackson (by
departmental request).**

An emergency ordinance determining the method of making the public improvement of constructing improvements to the Harvard Yard Distribution and Maintenance Facility; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements to the Harvard Yard Distribution and Maintenance Facility, including but not limited to installing new HVAC systems, replacing carpeting, and upgrading the fire alarm and ground sprinkler systems, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 229, and 52 SF 231, Request No. 159319.

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

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

Ord. No. 554-05.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to maintain, repair, and replace existing roofing systems, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials needed to maintain, repair, and replace existing roofing systems, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the

contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129206)

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

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

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

Ord. No. 555-05.
By Council Members Coats, Polensek, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance to appropriate property for the public purpose of constructing an all-weather track and football-field complex located at 1050 East 152nd Street.

Whereas, the Council of the City of Cleveland, by Resolution No. 228-05, adopted March 7, 2005, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of constructing an all-weather track and football-field complex located at 1050 East 152nd Street; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of constructing an all-weather track and football-field complex located at 1050 East 152nd Street, the following described fee simple interests are appropriated:

Permanent Parcel No. 115-16-029
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 2, Tract No. 10, and bounded and described as follows:

Beginning at a point in the center line of East 152nd Street, which is also the Easterly line of said Original Lot No. 2, distant South 181.60 feet from a stone monument at the intersection of said center

line of East 152nd Street and the Easterly prolongation of the Southerly line of Sublot No. 44 in Cowles and Stark's Subdivision of part of Original Euclid Township Lot Nos. 1, 2, 42 and 43, Tract No. 10, as shown by the recorded plat in Volume 9 of Maps, Page 22 of Cuyahoga County Records;

Thence West at right angles with the Easterly line of said Original Lot No. 2, 446.38 feet to the Easterly line of The Ben Gray Allotment recorded in Volume 18 of Maps, Page 9 of Cuyahoga County Records; thence South 7° 01' 20" East along said Easterly line of The Ben Gray Allotment, about 150 feet to the Southwesterly corner of premises conveyed to Manuel Halle by deed recorded in Volume 198, Page 285 of Cuyahoga County Records;

Thence Easterly along the Southerly line of premises so conveyed to Manuel Halle, 427.96 feet to the Southeasterly corner thereof;

Thence North along the center line of East 152nd Street, about 150 feet to the beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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

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

Ord. No. 556-05.
By Council Members Cintron, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance to appropriate property for the public purpose of expanding Roberto Clemente Park, located at 3726 Seymour Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 1552-04, adopted August 11, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of expanding Roberto Clemente Park, located at 3726 Seymour Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of expanding Roberto Clemente Park, located at 3726 Seymour Avenue, the following described fee simple interests are appropriated:

P. P. No. 007-18-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 462 in H. Stone's Addition being a Subdivision of part of Original Brooklyn Township Lots Nos. 53 and 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records and being 50 feet front on the Northerly side of Seymour Avenue, S.W. and extending back of equal width 132 feet to the Southerly line of a 14 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

3726 Seymour Avenue

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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

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

Ord. No. 557-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire real property from the Cleveland Municipal School District and to sell such property to Bellaire Puritas Development Corporation for the public purpose of housing development.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire certain portions of Permanent Parcel No. 028-33-017 and the old London Avenue Right-of-way, as more fully described in the following legal description, from the Cleveland Municipal School District for the public purpose of housing development:

(Legal description to be inserted)

Section 2. That the Commissioner of Purchases and Supplies is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, and other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed \$5,000 and shall be paid from Fund No. 10 SF 166 and/or any other funds available and appropriated for

such purpose. The costs associated with acquiring the property and authorized in Section 2 shall be paid by Bellaire Puritas Development Corporation.

Section 4. That the Commissioner of Purchases and Supplies is hereby authorized to sell certain portions of Permanent Parcel No. 028-33-017 and the old London Avenue Right-of-way, as more fully described in the following legal description, to Bellaire Puritas Development Corporation for the public purpose of housing development:

(Legal description to be inserted)

Section 5. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 6. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 560-05.

By Council Member

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Anthony Perry.

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

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

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

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

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

Permanent Parcel No(s). 104-19-094 and 104-19-095, as more fully described below, to Anthony Perry.

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

P. P. No. 104-19-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 50 in Sweesy et. al. Re-Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Southerly side of Whittier Avenue, N.E., and extending back of equal width 142.66 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 104-19-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in Lena B. and W.C. Sweesy's Re-Allotment of parts of the Willard, Moses and Waters Allotments of a part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat of said Re-Allotment in Volume 12 of Maps, Page 40 of Cuyahoga County Records. Said Sublot No. 52 has a frontage of 40 feet on the Southerly side of Whittier Avenue, N.E., and extends back between parallel lines 142-66/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

Ord. No. 561-05.

By Council Member Pierce Scott.

An emergency ordinance consenting and approving the issuance of a permit for the 18th Annual Michael R. White Miller Fun Run, on May 26, 2005, (raindate: May 27, 2005) sponsored by Michael R. White Elementary School.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 18th Annual Michael R. White Fun Run, sponsored by Michael R. White Elementary School on May 26, 2005 (raindate: May 27, 2005), beginning at the school, 1000 East 92nd St., west on Parkgate Road to East Boulevard to Parkside Road, north on Parkside Road to Parkgate Road, east on Parkgate Road and finish at the school, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 562-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for The National Multiple Sclerosis Society Walk, on April 23, 2005, sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves

the holding of The National Multiple Sclerosis Society Walk, sponsored by the Ohio Buckeye chapter of the National Multiple Sclerosis Society on April 23, 2005, with the Walk beginning at Tower City Amphitheater ramp to Canal Road; Canal west to Old River Road; Old River Road north to Front Street; Front Street east to west 9th; West 9th south to Lakeside; Lakeside east to West 3rd; West 3rd north around stadium to Erieside; Erieside east to East 9th; East 9th south to Carnegie; Carnegie west to Ontario; Ontario north to Superior; Superior west to West 6th; West 6th north to St. Clair; St. Clair west to West 9th; West 9th north to Front Street; Front Street west to Old River Road; Old River Road south to Canal; Canal east to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 563-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for The Hermes Inaugural 10K, on April 24, 2005, sponsored by Hermes Sports.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The Hermes Inaugural 10K, sponsored by Hermes Sports on April 24, 2005, starting at Euclid and East 4th; Euclid to East 40th; turn right, East 40th to Carnegie, turn right, Carnegie across Hope Memorial Bridge, Lorain to West 25th, turn right, West 25th to Detroit, turn right, cross Veterans Memorial Bridge to Superior, Superior to West 9th, turn left, West 9th to Frankfort, turn right, Frankfort to West 3rd, turn left, West 3rd to Erieside, turn right, Erieside to East 9th, cross East 9th to North Mar-

ginal Road, North Marginal Road to East 26th, turn around, North Marginal Road to East 9th, turn left, East 9th to Lakeside, turn right, Lakeside to East 6th, turn left, East 6th to Euclid, turn right, Euclid to finish at East 4th provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

Res. No. 558-05.

By Council Members Westbrook, Cimperman and Gordon.

An emergency resolution supporting the passage of Ohio Senate Bill 60, authorizing nonrefundable transferable tax credits for rehabilitating historic buildings.

Whereas, Senate Bill 60, recently introduced in the Ohio Senate, proposes which enact additional tax incentives to encourage private investment in historic properties and stimulate economic development; and

Whereas, Senate Bill 60 proposes an income tax credit of 25 percent of the amount spent to rehabilitate a certified historic structure; and

Whereas, Senate Bill 60 supports a new state investment tax credit that can be used as an effective tool for community revitalization; and

Whereas, Senate Bill 60 supports the reuse of Ohio's historic buildings which can be an economic development and community revitalization tool; and

Whereas, the City of Cleveland has supported the creation of neighborhood historic districts and where the city has many historic structures; and

Whereas, the bill would assist the City of Cleveland's efforts and programs to which support the restoration and reuse of underutilized historic buildings; and

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

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

Section 1. That this Council hereby supports the passage of Senate Bill 60, authorizing nonrefundable transferable tax credits for rehabilitating historic buildings.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to State Senators Schuring, Prentiss, Brady, Fingerhut and Spada.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 559-05.

By Council Member Brady.

An emergency resolution supporting Paramount Distillers Inc.'s application to Cuyahoga County for assistance in remediating an underground storage tank.

Whereas, the headquarters of Paramount Distillers Inc. is located at 3116 Berea Road, Cleveland, Ohio; and

Whereas, Paramount Distillers Inc. determined that there is an orphan underground storage tank beneath their business premises; and

Whereas, Paramount Distillers Inc. is seeking assistance to remediate the storage tank from Cuyahoga County; and

Whereas, assistance from Cuyahoga County will enable Paramount Distillers Inc. to properly close and remediate the orphaned underground storage tank; 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 the Council of the City of Cleveland supports Paramount Distillers Inc.'s application to Cuyahoga County for assistance in remediating an orphaned underground storage tank beneath their business premises.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Nate Hoelzel, Sr. Development Finance Analyst, Cuyahoga County Department of Development, and Robert Manchick, Chairman of the Board and President, Paramount Distillers Inc.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 564-05.

By Council Member Cimperman.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4030 St. Clair Avenue and repealing Resolution No. 429-05, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 4030 St. Clair Avenue by Resolution No. 429-05 adopted by the Council on March 14, 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 4030 Convenient Deli, Inc., 4030 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 2847850, be and the same is hereby withdrawn and Resolution No. 429-05, 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 565-05.

By Council Member Jackson.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Teri O's, Inc., 5351-53 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 8846576 to Your Place Or Mine, LLC, DBA Your Place & Mine, 5351-53 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 9862110; and

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

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard

of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Teri O's, Inc., 5351-53 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 8846576 to Your Place Or Mine, LLC, DBA Your Place & Mine, 5351-53 Dolloff Road, Cleveland, Ohio 44127, Permanent Number 9862110; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 566-05.

By Council Member Johnson.

An emergency resolution objecting to a New C1 Liquor Permit at 3249 East 143rd Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Rashiga, Inc.,

DBA East 143rd Food Market, 3249 East 143rd Street, Cleveland, Ohio 44120, Permanent Number 7207558; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1, Liquor Permit at Rashiga, Inc., DBA East 143rd Food Market, 3249 East 143rd Street, Cleveland, Ohio 44120, Permanent Number 7207558; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 567-05.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 15222 Waterloo Road, and repealing Resolution No. 2076-04, objecting to said transfer.

Whereas, this Council objected to a C1 Liquor Permit to 15222 Waterloo Road by Resolution No. 2076-04 adopted by the Council on October 25, 2004; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement signed by Council Member Michael D. Polensek and Applicant, Yasmien Abdallah, Tap Investments LLC, 15222 Waterloo Road, Cleveland, Ohio 44110; 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 Tap Investments LLC, 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 87987000175 be and the same is hereby withdrawn and Resolution No. 2076-04, 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 568-05.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 10221 Union Avenue, 1st floor, and repealing Resolution No. 1350-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 10221 Union Avenue by Resolution No. 1350-04 adopted by the Council on July 14, 2004; 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 10221, Inc., 10221 Union Avenue, 1st floor,

Cleveland, Ohio 44120, Permanent Number 6551331 be and the same is hereby withdrawn and Resolution No. 1350-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1815-04.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, modifying, or abandoning basement areaways and vaults along portions of Euclid Avenue and East 17th Street; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Ord. No. 2204-04.

By Council Members Jackson, Britt, Lewis, Conwell and Gordon (by departmental request).

An emergency ordinance to amend Section 5 of Ordinance No. 257-97, passed April 14, 1997, as amended, relating to expending Economic Development Initiative Grant Funds for the operation of the Empowerment Zone Business Opportunity Program and to enter into contracts under this program.

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

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

Ord. No. 2309-04.

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

An emergency ordinance approving certain modifications and amendments to the Erieview I (Ohio R-36) Urban Renewal Plan with respect to extending its western boundary.

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

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

Ord. No. 2-05.

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

An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. 38823 with North Point Garage Limited Partnership for the lease and operation of the North Point Garage, terminating November 1, 2086.

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

1. In Section 1, the second paragraph, line 2, strike "\$3,250,000" and insert "**3,750,000**".

2. In Section 2, the second paragraph, last line, strike the period after "same" and insert "**except that the Director of Finance shall develop a provision to be inserted into the lease to allow the City to buy back the lease in the event the City determines that the subject property is necessary for a public purpose, based upon a formula, and without the necessity of eminent domain. The formula for the buy back of the lease shall require additional legislative authority.**".

Amendments agreed to.

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

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

Ord. No. 71-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the CDBG Year 31 under the Title I of the Housing and Community Development Act of 1974, for the 2005 Federal HOME Grant Program, Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.

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

1. In Section 2, line 1, strike "71-05-A" and insert "**71-05-B**".

Amendment agreed to.

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

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

Ord. No. 235-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the Family Caregiver Support Program; and authorizing the Director of Community Development to enter into contracts necessary to implement the program.

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

1. In Section 2, line 1, strike "235-05-A" and insert "**235-05-B**".

Amendment agreed to.

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

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

Ord. No. 238-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 39th Street to Burten, Bell, Carr Development, Inc.

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

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

Ord. No. 268-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the rental and laundry of work clothing, for the various divisions of City government.

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

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

Ord. No. 277-05.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 505.14 relating to the 50/50 Hazardous Sidewalk Repair Program.

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

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

Ord. No. 279-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter a Concession Agreement with the Puritas Little League for the operation of a concession building at Maplewood Park, for the Department of Parks, Recreation and Properties.

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

1. In the title, at the end, and in Section 1, at the end, strike the period and insert "**for a period not to exceed one year, with four one-year options to renew.**".

Amendment agreed to.

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

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

Ord. No. 281-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development for the 2005 Home Weatherization Assistance Program; and to enter into contracts necessary to implement the program.

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

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

Ord. No. 283-05.

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

An emergency ordinance to amend Section 3 of Ordinance No. 241-03, passed May 12, 2003, relating to the Carver Park Estates project; to supplement the ordinance by adding new Sections 3, 4, and 5; and renumbering existing Sections 3 and 4 to new Sections 6 and 7, to authorize a project agreement between the City and the Cuyahoga Metropolitan Housing Authority.

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

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

Ord. No. 284-05.

By Council Members Westbrook, Gordon, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the

public improvement of constructing sewer and street improvements on West 89th Street in connection with the West Tech Homes project; and authorizing the Directors of Community Development and Public Service to enter into one or more public improvement contracts for the making of the improvement.

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

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

Ord. No. 286-05.

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

An emergency ordinance to amend Section 699A.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1096-04, passed December 13, 2004, and to supplement the chapter by enacting new Section 699A.011 relating to community entertainment districts.

Approved by Directors of City Planning Commission, Finance, Law; Relieved of Committees on City Planning, Legislation; Passage recommended by Committee on Finance.

Ord. No. 360-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for bulk waste disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Ord. No. 361-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Ord. No. 362-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for contingency services for the disposal of municipal solid waste, for the Division of Waste Collection and Dis-

posal, Department of Public Service.

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

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

Ord. No. 363-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for construction and demolition debris disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Ord. No. 364-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Ord. No. 366-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

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

1. In Section 1, at the end add the following: **"The Commissioner of Recreation shall supervise the implementation of the contract."**

Amendment agreed to. The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

Ord. No. 367-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Neighborhood

Leadership Institute to implement educational, recreational and cultural programs in various school buildings during evening hours.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property, and Recreation, Finance.

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

Ord. No. 368-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program.

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

1. In Section 1, line 4, strike "\$65,000" and insert "\$71,000".

Amendment agreed to.

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

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

Ord. No. 369-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property, and Recreation, Finance.

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

Ord. No. 370-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with 1104 Prospect Avenue Park And Lock, LLC, or its designee, to provide economic development assistance to partially finance the construction and rehabilitation of the Prospect Place Apartments located at 1104 Prospect Avenue, and all other associated costs necessary to redevelop the property.

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

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

Ord. No. 372-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Community Development and Consumer Affairs to enter into an amendment to Contract No. 63190 with Housing Advocates, Inc. to provide additional assistance to City residents.

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

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

Ord. No. 373-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance to supplement Ordinance No. 703-04, passed May 24, 2004, to add new Sections 4, 5, 6, and 7; and to renumber existing Section 4 to new Section 8, relating to the Demolition and Board-up Programs.

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

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

Ord. No. 471-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 132-05.

By Council Member Britt (by request).

An emergency resolution declaring the intention to vacate a portion of East 114th Street and a portion of Hulda Avenue S.E.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

THIRD READING EMERGENCY ORDINANCE PASSED

Ord. No. 125-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2005.

Read third time in full. Passed. Yeas 16. Nays 0.

Council Member Patricia J. Britt entered the meeting.

MOTION

By Council Member Pierce Scott, seconded by Council Member Cimperman and unanimously carried that the absence of Council Members Nelson Cintron, Michael C. O'Malley, Edward W. Rybka and Jay Westbrook, be and are hereby authorized.

MOTION

The Council Meeting adjourned at 7:57 p.m. to meet on Monday, April 4, 2005 at 7:00 p.m. in the Council Chambers.

City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

March 23, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 23, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth, Fumich, Taylor and Williams.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 120-05.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No.

906-04, passed by the Council of the City of Cleveland on June 7, 2004, Crestone International, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract for professional services for support and maintenance of Peoplesoft Financial Management System for a term of one year with two options to renew for an additional one-year term.

Be it further resolved that the Director of Finance is authorized to enter into contract with Crestone International, Inc. based on its proposal dated October 4, 2004, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as contained in the proposal for an aggregate fee of \$202,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 121-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ikon Office Solutions for the following: for the lease for 60 months, with the option to purchase, of one (1) Group VI High Volume Copier System, including maintenance, based on a cost per copy with no minimum copies required, staples and optional large capacity booklet maker, Bid Option A, Items B1-B6, C3, C4 and D1, for the Division of Printing & Reproduction, Department of Finance, for the period of 60 months, beginning with the date of execution of a contract, received on the 28th day of October 2004, under the authority of Ordinance No. 1682-03, passed on September 22, 2003, which on the basis of the order quantity would amount to Five Hundred Eighty Three Thousand Five Hundred Three Dollars (\$583,503.00) (Net), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a standard contract for the items and/or services.

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 122-05.

By Director Ricchiuto.

Whereas, under authority of Ordinance Nos. 1655-99 and 2335-03, respectively passed by the Cleveland City Council on November 29, 1999 and December 15, 2003, this Board of Control, by Resolution No. 407-04 adopted July 7, 2004, entered into Contract No. 63169 with Terrace Construction Company, Inc. for the public improvement of the Bessemer

Avenue Extension from E. 65th Street to E. 55th Street, for the Division of Engineering & Construction, Department of Public Service, in the amount of \$3,842,262.37; and

Whereas, the contractor desires to modify the amount of work assigned to two of its approved subcontractors; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 407-04, adopted July 7, 2004, is amended by changing the subcontractor amounts; approved for Granger Trucking and The Vallejo Company to the following:

Granger Trucking
MBE (DBE) — 10.00% — \$384,230.00

The Vallejo Co.
MBE — 5.00% — \$192,120.00

Be it further resolved, that all other provisions of Resolution No. 407-04 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.
Absent: Director Huth.

Resolution No. 123-05.
By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for an estimated quantity of sport utility vehicles (SUV), 4X4, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on February 2, 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 Fifty-Nine Thousand Seven Hundred and 00/100 (\$59,700.00) (Net-30), 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. 154084
which shall be certified against the contract in the sum of Fifty-Nine Thousand Seven Hundred and 00/100 Dollars (\$59,700.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Valley Ford Truck Sales, Inc. for the above mentioned purchase is approved:

Logical Services, Inc.
MBE — \$225.00 per unit — 0.75%

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.
Absent: Director Huth.

Resolution No. 124-05.

By Director Ricchiuto.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Mavron, Inc. for an estimated quantity of animal transport van interior, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on February 2, 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 Twenty-Five Thousand Three Hundred Sixty-Six and 14/100 Dollars (\$25,366.14) (Net-30), 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. 154085
which shall be certified against the contract in the sum of Twenty-Five Thousand Three Hundred Sixty-Six and 14/100 Dollars (\$25,366.14).

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.
Absent: Director Huth.

Resolution No. 125-05.
By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc. for the public improvement of rehabilitating Euclid Avenue between the East Cleveland corporation line and the city of Euclid corporation line, all items, for the Division of Engineering and Construction, Department of Public Service, received on February 18, 2005, under the authority of Ordinance No. 2333-03, passed February 9, 2004, upon a unit basis for the improvement, in the aggregate amount of \$5,236,599.79, is affirmed and approved as the lowest responsible bid; and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, that the employment of the following subcontractors by Perk Company, Inc. for the above-mentioned public improvement is approved:

McTech Corporation
3740 Euclid Avenue #200
Cleveland, Ohio 44115
(MBE) — \$796,950.00 — (15.22%)

Cuyahoga Supply & Tool Inc.
5340 Perkins Road
Cleveland, Ohio 44146
(FBE) — \$53,130.00 — (1.01%)

Utilicon Corp.
888 East 70th Street
Cleveland, Ohio 44103
\$336,915.00 — (6.43%)

Pavement Technology
24144 Detroit Road
Westlake, Ohio 44145
\$33,390.05 — (0.64%)

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.
Absent: Director Huth.

Resolution No. 126-05.

By Director Ricchiuto.
Resolved by the Board of Control of the City of Cleveland the bid of American International Corp., 888 East 70th Street, Cleveland, Ohio 44103, for the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances in the east side of the City of Cleveland (East of the Cuyahoga River), all items (Contract 1), for the Division of Engineering and Construction, Department of Public Service, received on the 4th day of February 2005, pursuant to the authority of Ordinance No. 2301-04, passed January 31, 2005, upon a unit basis for the improvements to be performed as ordered during the period ending December 31, 2005 at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to One Million Seven Hundred Ninety Thousand Two Hundred Seventy and 00/100 Dollars (\$1,790,270.00) is affirmed and approved as the lowest responsible bid, and the Director of Public Service is requested to enter into a requirement contract for the improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition Number 157307
which shall be certified against such contract in the sum of Three Hundred Thousand Dollars (\$300,000.00).

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, that the employment of the following sub-contractors is approved:

Dan Ray Construction Co., Inc.
(MBE) — \$180,000.00 — (10.05%)

McTech Corp. DBA Tech Ready Mix
(MBE) — \$90,000.00 — (5.03%)

Cuyahoga Sup. & Tool, Inc.
(FBE) — \$3,600.00 — (00.20%)

Collinwood Supply
(FBE) — \$72,000.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 127-05.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland the bid of Perk Company, Inc., 55 Industry Drive, Bedford, Ohio 44146, for the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances in the west side of the City of Cleveland (West of the Cuyahoga River), all items (Contract 2) for the Division of Engineering and Construction, Department of Public Service, received on the 11th day of February 2005, pursuant to the authority of Ordinance No. 2301-04, passed January 31, 2005, upon a unit basis for the improvements to be performed as ordered during the period ending December 31, 2005 at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to One Million Six Hundred Ninety Nine Thousand Thirty Seven and 00/100 Dollars (\$1,699,037.00) is affirmed and approved as the lowest responsible bid, and the Director of Public Service is requested to enter into a requirement contract for the improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition Number 157333 which shall be certified against such contract in the sum of Three Hundred Thousand Dollars (\$300,000.00).

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, that the employment of the following sub-contractors is approved:

McTech Corp. DBA Tech Ready Mix
(MBE) — \$262,100.00 — (-)

Cuyahoga Sup. & Tool, Inc.
(FBE) — \$17,600.00 — (1.03%)

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 128-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Vandra Brothers Construction, Inc. for the public improvement of West 105th Street from Lorain Avenue to Bellaire Road, all items including all alternates, for the Department of Public Service, received on February 16, 2005, under the authority of Ordinance No. 1980-02, passed October 21, 2002, and Ordinance No. 2330-03, passed February 9, 2004, upon a unit basis for the improvement in the aggregate amount of Three Million Four Hundred Eighty-One Thousand Three Hundred and Eighty-Three and 11/100 Dollars (\$3,481,383.11), is affirmed and approved as the lowest responsible bid; and the Director of Public Service is authorized to enter into contract for the improvement with said bidder.

Be it further resolved that the employment of the following sub-contractors by Vandra Brothers Construction, Inc. for the aforementioned public improvement hereby is approved:

Tech Ready Mix
5000 Crayton Avenue
Cleveland, Ohio
(MBE) — \$524,700.00 — (15.07%)

Collinwood Shale Brick & Supply Co.
12400 Broadway
Cleveland, Ohio
(FBE) — \$150,000.00 — (-)

Cuyahoga Supply & Tool
5340 Perkins Road
Cleveland, Ohio
(FBE) — 20% of \$100,000.00
= \$ 20,000.00 — (0.57%)

Trafftech
1754 East 47 Street
Cleveland, Ohio
(non MBE) — \$383,432.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 129-05.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland that, under Ordinance No. 225-05, passed by the Council of the City of Cleveland on February 25, 2005, the firm of United Labor Agency, Inc.,

is selected upon nomination of the Director of Parks, Recreation and Properties from a list of firms determined after a full and complete canvass by the Director of Parks, Recreation and Properties as the temporary employment agency to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to supply temporary and seasonal personnel for seasonal programs of the Department of Parks, Recreation, and Properties.

Be it further resolved that the Director of Parks, Recreation and Properties is authorized to enter into a written contract with United Labor Agency, Inc. ("Agency"), based on its January 27, 2005 proposal, to supply temporary and seasonal personnel for seasonal programs, during the period beginning upon execution of a contract and ending December 31, 2005, which contract shall be prepared by the Director of Law and shall include such additional provisions as that Director considers necessary to benefit and protect the public interest. The fees for services to be performed under the contract authorized, as stated in the Agency's proposal, including charges for drug testing and criminal background check, shall be for:

Project Clean Workers

\$11.47 per hour from contract execution through September 30, 2005, and an amount equal to the Fair Employment Wage determined under Section 189.02 of the Codified Ordinances of Cleveland, Ohio 1976, from October 1 through December 31, 2005, plus 18.7% of that Fair Employment Wage;

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 130-05.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland that, under Ordinance No. 225-05, passed by the Council of the City of Cleveland on February 25, 2005, the firm of Staffing Services, Inc., dba Snider-Blake Personnel, is selected upon nomination of the Director of Parks, Recreation and Properties from a list of firms determined after a full and complete canvass by the Director of Parks, Recreation and Properties as the temporary employment agency to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to supply temporary and seasonal personnel for seasonal programs of the Department of Parks, Recreation, and Properties.

Be it further resolved that the Director of Parks, Recreation and

Properties is authorized to enter into a written contract with Staffing Services, Inc., DBA Snider-Blake Personnel ("Agency"), based on its January 25, 2005 proposal, to supply temporary and seasonal personnel for seasonal programs, during the period beginning upon execution of a contract and ending December 31, 2005, which contract shall be prepared by the Director of Law and shall include such additional provisions as that Director considers necessary to benefit and protect the public interest. The fees for services to be performed under the contract authorized, as stated in the Agency's proposal, including charges for drug testing and criminal background check, shall be:

POSITION

Park Maintenance Aides
Golf Course Rangers

FEE

\$11.63 per hour from contract execution through September 30, 2005, and an amount equal to the Fair Employment Wage determined under Section 189.02 of the Codified Ordinances of Cleveland, Ohio 1976, from October 1 through December 31, 2005, plus 20.30% of that Fair Employment Wage;

and

Seasonal Supervisors

\$11.91 per hour from contract execution through September 30, 2005, and an amount equal to 20.30% above the sum of the Fair Employment Wage determined under Section 189.02 of the Codified Ordinances of Cleveland, Ohio 1976, from October 1 through December 31, 2005, and \$0.25.

Be it further resolved that the employment of the following subcontractor is approved:

<u>NAME</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Quick Employment, MBE	\$514,235	20%

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.
Nays: None.
Absent: Director Huth.

Resolution No. 131-05.

By Director Ronayne.
Resolved by the Board of Control of the City of Cleveland that the bid of Lakeside Supply Company for the following: two Hot Water Heaters and two Pumps for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on the fourth day of February 2005, pursuant to the authority of Ordinance No. 1273-04, passed August 11, 2004 which on the basis of the order quantity would amount to \$12,400.00 is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby

requested to enter into contract for such items.

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.
Nays: None.
Absent: Director Huth.

Resolution No. 132-05.

By Director Ronayne.
Resolved, by the Board of Control of the City of Cleveland that the bid of General Tree Service Company for an estimated quantity of labor and materials to plant trees at various locations throughout the City of Cleveland on city-owned properties, Item 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76 for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one (1) year beginning with the date of execution of a contract, received on February 4, 2005, pursuant to the authority of Ordinance No. 2059-04, passed November 19, 2004, and Ordinance No. 152-02, passed January 28, 2002, effective February 4, 2002, which on the basis of the estimated quantity would amount to Forty Seven Thousand Five Hundred Twenty-Nine and 00/100 Dollars (\$47,529.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136466 which shall be certified against such contract in the sum of Five Thousand Forty-Six and 00/100 Dollars (\$5,046.00).

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

Be it further resolved that the employment of the following subcontractor by General Tree Service Company for the above mentioned requirement contract be and the same hereby is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
Cooper Landscaping MBE	\$7,129.35 (15%)
20500 Miles Parkway Cleveland, Ohio 44128	(tree supply & installation)

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director

Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.
Absent: Director Huth.

Resolution No. 133-05.

By Director Ronayne.
Resolved, by the Board of Control of the City of Cleveland that the bid of The Jands Co. Inc. for an estimated quantity of labor and materials to plant trees at various locations throughout the City of Cleveland on city-owned properties, Item 41, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one (1) year beginning with the date of execution of a contract, received on February 4, 2005, pursuant to the authority of Ordinance No. 2059-04, passed November 19, 2004, and Ordinance No. 152-02, passed January 28, 2002, effective February 4, 2002, which on the basis of the estimated quantity would amount to Six Hundred and 00/100 Dollars (\$600.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 136465 which shall be certified against such contract in the sum of Six Hundred and 00/100 Dollars (\$600.00).

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

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.
Nays: None.

Absent: Director Huth.

Resolution No. 134-05.

By Director Routen.
Whereas, on December 15, 2004, this Board of Control adopted Resolution No. 715-04, authorizing the Director of Personnel and Human Resources to enter into a professional services contract with the Center for Families and Children (CFC) to administer assistance to City employees and their families through the CFC Ease@Work program; and

Whereas, the CFC desires to employ various subconsultants during the term of the contract to render certain specialized services as part of its assistance to City employees; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that employment of one or more of the following subconsultants, by CFC, as CFC determines necessary during the term of the contract for Ease@Work program services approved by Resolution No. 715-04,

adopted December 6, 2004, is approved, provided that CFC reports to the Directors of Personnel & Human Resources and the Office of Equal Opportunity monthly the total expenditure for each subconsultant's services during the preceding month.

Kate Belew, Linda Blaser, John Bontempo, Jeffrey Chemin, Child Guidance/Family Solutions, CJ Hendry & Assoc., Katherine Coleman, Sara Coleman, Delta Psychological, Paul DiVincenzo, Teresa Egan, Family Behavioral Health Care Center, Family Personal Counseling, Marina Forkosh, William Hamilton, Cindy Hurley, Innovative Perspectives, Fritz Klemperer, Knight Counseling, Life's Illusions, Sandy Loflin, Carol Malone, Feo Anton, Multimodal Therapy Institute, New Visions Unlimited, Olmsted Psychotherapy, Palmentera & Associates, Morris Pengilly, Monica Popp, MaryAnne Ricci, Spectrum Psychological, Kathleen Blasko Stewart, Vanguard Counseling, and Noel Walker.

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 135-05.

By Director Ronayne.

Whereas, Ordinance No. 2151-03, passed by the Council of the City of Cleveland on December 15, 2003, and Resolution No. 83-05, adopted by this Board on February 16, 2005, authorized the City to enter into an agreement with R.I. Priest Associates, Inc. ("Consultant") for professional services necessary to complete improvements to the Bump Taylor Football Field, for a total cost of \$31,287.00; and

Whereas, Ordinance No. 2151-03 was subsequently amended by Ordinance No. 1308-04, passed August 11, 2004, Ordinance No. 2365-04, passed January 24, 2005, and by Ordinance No. 278-05, passed by the Council of the City of Cleveland on March 21, 2005, to include authority to design and construct improvements to the Bump Taylor Football Field located on property leased by the City from the Cleveland Municipal School District; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 83-05, adopted by this Board on February 16, 2005, authorizing the City to enter into an agreement with R.J. Priest Associates, Inc. for professional services necessary to complete improvements to the Bump Taylor Football Field, is amended by inserting after "Ordinance No. 2151-03 passed by the Council of the City of Cleveland December 15, 2003," "as amended by Ordinance No. 1308-04, passed August 11, 2004, Ordinance No. 2365-04, passed January 24, 2005, and Ordinance No. 278-05, passed March 21, 2005,".

Be it further resolved that all other provisions of Resolution No. 83-05 not expressly amended by this

resolution shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

Resolution No. 136-05.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Anthony Allega Cement Contractor, Inc., for remediating and testing soil, all items, for the Division of Cleveland International Airport, Department of Port Control, for a period of three years beginning with the date of execution of a contract, received on the 2nd of February, 2005, under the authority of Ordinance No. 1126-01, passed on June 19, 2001, which on the basis of the estimated quantity would amount to Seven Million Two Hundred Thousand Two Hundred Forty-Two and 50/100 Dollars (\$7,200,242.50), is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 156635

which shall be certified against the contract in the sum of Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00).

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

Be it further resolved by the Board of Control that the following subcontractors for Anthony Allega Cement Contractor, Inc. are approved:

<u>Subcontractors</u>	<u>Dollar Amounts</u>
<u>MBE/FBE%</u>	
Granger Trucking, Inc.	
16.00% MBE	\$1,152,148.00
MLM Material Hauling, Inc.	
5.01% FBE	\$360,780.00
Cuyahoga Supply & Tool, Inc.	
.01% FBE	\$840.00
Solar Testing Laboratories	
Non-MBE/FBE	\$10,000.00
Mid America Trucking, Inc.	
Non-MBE/FBE	\$495,737.00
Deitening Landscaping, Inc.	
Non-MBE/FBE	\$75,000.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Acting Director Nielson, Directors Mok, Ricchiuto, Carroll, Acting Director Smith, Director Ronayne, Acting Director

Wilbur, Directors Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Huth.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 4, 2005

9:30 A.M.

Calendar No. 05-11: 4526 Turney Road (Ward 2)

Elias Semaan, owner, and Marion Rudd, prospective tenant, appeal for a change of use from a store and one dwelling unit to a day care center, in an existing two-story masonry building, situated on a 39' x 151' corner lot in a Local Retail Business District on the northwest corner of Turney Road and Rosewood Avenue at 4526 Turney Road; the proposed change of use is by reference, regulated in the least restricted adjacent district, a Two-Family District, where a day care is required to be 30' from an adjoining premises in a residence district not used for a similar purpose, according to Section 343.01(b)(1) and is subject to the Board of Zoning Appeals approval.

Calendar No. 05-54: 10004-6 Adams Avenue (Ward 8)

Elaine and Terrence McKellar, owners, appeal for a change of use from two dwelling units to an Adult Care Home in an existing two-story frame, two family dwelling, situated on a 40' x 110' lot in an A1 One-

Family District on the south side of Adams Avenue at 10004-6 Adams Avenue; contrary to Section 337.02, an Adult Care Home is not permitted in a One-Family District but is first permitted in a Multi-Family District, if it is located 15' from any adjoining premises in a residential district not used for a similar purpose, as stated in Section 337.08 of the Codified Ordinances.

Calendar No. 05-55: 2904 Woodhill Road (Ward 4)

William Jackson, owner, appeals to establish a day care use in an existing 24' x 48' two-story, three dwelling units and storefront building that is situated on a 31' x 288' lot in a Multi-Family District on the west side of Woodhill Road at 2904 Woodhill Road; contrary to the limitations of Section 337.08(e)(3), the proposed use must be 15' from an adjoining premises in a residence district and it abuts a Multi-Family District.

Calendar No. 05-57: 6709 Sebert Avenue (Ward 12)

Loundia Reed, Jr., owner, appeals to establish a Type A day Care use in an existing 26' x 49' one-family dwelling, situated on a 41' x 125' lot in a B1 Two-Family District on the north side of Sebert Avenue at 6709 Sebert Avenue; contrary to the limitations of Section 337.02(f)(3)(C), the proposed day care and its uses abut a Two-Family District and requires the Board of Zoning Appeals approval if it is located no less than 30' from a premises in a residence district.

Calendar No. 05-58: Appeal of Zulfikar A. Gill Hack License Suspension

Zulfikar A. Gill appeals under Section 76-6 of the Charter of the City of Cleveland from the suspension of a City of Cleveland Hack License, issued March 8, 2005 by the Commissioner of Assessments and Licenses, as a result of an incident at Cleveland Hopkins International Airport on January 18, 2005.

Calendar No. 05-59: 2367 East 63rd Street (Ward 5)

Ralph and Valerie Williams, owners, appeal to install 77 1/2' of 4' high chain link fence along the front and at the north and south perimeters of an existing one family dwelling situated on a 40' x 164' lot in a Multi-Family District on the east side of East 63rd Street at 2367 East 63rd Street; contrary to the Fence Regulations, a chain link fence is proposed where an ornamental fence is required as stated in Section 358.04(c)(1) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 28, 2005

At the meeting of the Board of Zoning Appeals on Monday, March 28, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-42: 12510-12 Buckeye Road

Margarette Williams appealed to expand a day care facility previously approved by the Board of Zoning Appeals by adding school age children to the occupancy and use.

Calendar No. 05-51: 11619 Lorain Avenue

Uptown Development Group Ltd. appealed to change the use in a two-story masonry building from 12 dwelling units, an office and three stores to 12 dwelling units, an office and a tavern in a Local Retail Business District; with conditions.

Calendar No. 05-52: 11532 Buckeye Road

The Buckeye Area Development Corporation, owner, and Lachelle Williams, lessee, appealed to establish use for a manicuring school in the second floor of a mixed use building in a Local Retail Business District.

Calendar No. 05-27: 7500 Euclid Avenue

Aldi, Inc. appealed to erect a one-story retail store and an accessory parking lot in split zoning for General Retail Business and Semi-Industry Districts.

The following appeal was **Denied:**

Calendar No. 05-26: 2175 Cornell Road

Peter Smakula appealed to make a change in an existing, legal non-conforming parking lot for eleven spaces in a Multi-Family District.

The following appeals were **Postponed:**

Calendar No. 05-41: 3596 East 131st Street postponed to April 18, 2005.

Calendar No. 05-25: 11723-25 Union Avenue postponed to May 2, 2005.

Calendar No. 05-28: 4090 East 93rd Street postponed to May 9, 2005.

In Executive Session on March 28, 2005, the following appeals heard by the Board on March 21, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-36: 6550 Baxter Avenue

Cleveland Catholic Diocese appealed to construct a four-story addition to Central Catholic High School in a B1 Two-Family District.

Calendar No. 05-37: 6412 Carl Avenue

Ismael Malave appealed to install a 4' high chain link fence and three gates along the front yard of a 40' x 138' lot in a B1 Two-Family District; w/recommendation for black vinyl chain link fence.

Calendar No. 05-40: 11124 Fidelity Avenue

Cleveland Christian Home appealed to construct a two-story, six units apartment building in a B1 Two-Family District.

The following appeal was **Denied:**
None.

The following appeal heard by the Board on October 18, 2004 was dismissed for failure to comply with the condition of the Board.

The following appeal was **Dismissed:**

Calendar No. 04-202: 1215 East 82nd Street

Kimberly Capers appealed to erect an 18' x 23' one and a half story room addition to the rear of a two-story single family dwelling and a 26' x 26' one-story garage in a Two-Family District; subject to lot consolidation.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
March 23, 2005

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-15-05.

RE: Appeal of Brian E. Williams, Owner of the Four Dwelling Units/Two Story Masonry Property located on the premises known as 221 East 156th Street from a VACATE ORDER/NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Director of the Department of Building and Housing, dated February 17, 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 Appellant until April 29th, 2005 in which to complete abatement of all the violations on the property; 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. Saab and seconded by Mr. Mr. Gallagher.

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

* * *

Docket A-16-05.

RE: Appeal of Christine Karlovec, Owner of the One & One-half Story Frame Residential Property located on the premises known as 6527 Sebert Avenue from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated February 4, 2005, requiring compliance with the Codified

Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to abate the electrical violations and three (3) months in which to abate all the other violations on the property; 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. Saab.

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

* * *

Docket A-18-05.

RE: Appeal of Elizabeth S. Lindsay, Owner of the Two Story Frame Residential Property located on the premises known as 3678 West 59th Street from a NOTICE OF VIOLATION — NO PERMIT of the Director of the Department of Building and Housing, dated February 2, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

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

* * *

Docket A-20-05.

RE: Appeal of Ronald Katz/Ohio Mills Supply, Owner of the Property located on the premises known as 1719 East 39th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated February 3, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-20-05 has been POSTPONED; to be rescheduled for April 6, 2005.

* * *

Docket A-25-05.

RE: Appeal of Geraldine Hatten c/o Tracy B. Hodge, Contractor of the Two & One-half Story Frame Residential Property located on the premises known as 2534 East 80th Street from a NOTICE OF VIOLATION — WORK WITHOUT PERMITS AND POOR WORKMANSHIP of the Director of the Department of Building and Housing, dated February 7, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that after reviewing the evidence, a motion is in order at this time to find that the Violation Notice was properly issued; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

Docket A-26-05.

RE: Appeal of Cleveland Housing Network, Owner of the Residential Property located on the premises known as 2478 West 7th Street from a NOTICE OF NONCONFORMANCE of the Director of the Department of Building and Housing, dated February 16, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required and allow the window to be put in as proposed, with the provision that the wall be two (2) layers and 5/8" fire code drywall to be installed in the interior of the new room and that the existing rooms can remain, noting that they are lathe and plaster walls. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-27-05.

RE: Appeal of Stonebridge Towers, Ltd., Owner of the Property located on the premises known as 2222 Detroit Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated February 14, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the hoistway to remain as it is, noting the reduced clearances from 0.8 inches to 0.625 inches in the rear of the elevator shaft, and with the provision that the owner place in the elevator equipment room a notice stating that there are reduced clearances in those areas. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-28-05.

RE: Appeal of Al Avery — Ruby's Deli Inc., Owner of the Property located on the premises known as 7038 Wade Park Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 18, 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 be rescheduled in thirty (30) days; noting that dimension drawings of the area as they exist must be submitted and stamped at that time.

* * *

Docket A-29-05.

RE: Appeal of Minshall Development Co., Owner of the Property located on the premises known as 1301 East 9th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 17, 2005, requiring compliance with the Codi-

fied Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the installation to proceed with the glass doors with a fire sprinkler system, fire sprinkler heads at six feet on center on both sides of the glass doors and wall with the provision that that system be installed on the building fire suppression sprinkler system and not the domestic system. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. Gallagher 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-12-05—Alfred H. Kuklinski.
- A-14-05—The Salvation Army.
- A-17-05—CTC Analytical Services.
- A-21-05—Douglass & Associates Co., LPA.
- A-23-05—Mental Health Services.

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

* * *

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

- A-19-05—Zaremba.
- A-24-05—Melamed Riley Advertising.

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

* * *

Separate motions were entered by Mr. Saab and seconded by Mr. Gallagher for Approval and Adoption of the Resolution as presented by the Secretary for the following Docket, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-22-05—Cuyahoga County Board of Commissioners.

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab 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):

March 9, 2005

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

* * *

INFORMAL HEARING

VISIO ARCHITECTS
RE: BEER GARDEN
GREAT LAKES BREWING CO.
2516 MARKET AVENUE

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

ESTABLISHMENT OF THE WATERLOO ENTERTAINMENT DISTRICT

Notice is hereby given in accordance with Chapter 699A of the Codified Ordinances of the City of Cleveland and Section 4301.80 of the Ohio Revised Code that the City of Cleveland will hold a Public Hearing on:

Date: Wednesday, April 13, 2005

Time: 1:30 P.M.

Place: Cleveland City Council, Room 216
Cleveland City Hall
601 Lakeside Avenue
Cleveland, Ohio 44114

for the purpose of soliciting public comment on a proposal to establish a Community Entertainment District in the Waterloo area Cleveland (Ordinance No. 294-05).

Ord. No. 294-05.

By Council Member Polensek. An ordinance establishing the Waterloo Community Entertainment District (CED) (Map Change No. 2147, Sheet No. 7).

A copy of the application is on file and is available for public inspection during normal business hours in the office of the Clerk of City Council and in the office of the City Planning Commission in Cleveland City Hall, 601 Lakeside Avenue, Cleveland, Ohio.

Valarie J. McCall
City Clerk, Clerk of Council
Cleveland City Council

March 23, 2005, March 30, 2005 and April 6, 2005

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, April 13, 2005
1:30 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, April 13, 2005, at 1:30 p.m., to consider the following ordinance now pending in the Council:

Ord. No. 133-05.

By Council Member Rybka. An ordinance changing the zoning of a parcel of land on the north side of Hinde Avenue from a Two Family Residential District, a 'B' Area District and a '1' Height District to a General Retail Business District, a 'C' Area District and a '2' Height District (Map Change No. 2146 Sheet No. 6).

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

March 30, 2005 and April 6, 2005

CITY OF CLEVELAND BIDS

For All Departments

Scaled 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 representa-

tions made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, APRIL 7, 2005

Elevator Maintenance and Repair, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 1668-04, passed by the Council of the City of Cleveland, November 22, 2004. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, APRIL 1, 2005 AT 10:00 PM, J. GLEN SMITH HEALTH CENTER, 11100 ST. CLAIR AVENUE, CLEVELAND, OHIO 44108.**

March 23, 2005 and March 30, 2005

FRIDAY, APRIL 8, 2005

Ridge Road Transfer Station Maintenance Service Building Overhead Door Replacement, for the Division of Architecture, Department of Public Service, authorized by Ordinance No. 2066-04, passed by the Council of the City of Cleveland, October 25, 2004. **THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 31, 2005 AT 2:00 P.M., 3727 RIDGE ROAD (MOTOR VEHICLE MAINTENANCE BUILDING), CLEVELAND, OHIO.

March 23, 2005 and March 30, 2005

THURSDAY, APRIL 14, 2005

Window Washing Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 223-05, passed by the Council of the City of Cleveland, March 7, 2005. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 31, 2005 AT 10:00 A.M., CITY HALL, DEPARTMENT OF FINANCE, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Janitorial Supplies, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 222-05, passed by the Council of the City of Cleveland, March 7, 2005. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, APRIL 1, 2005 AT 10:00 A.M., CITY HALL, DEPARTMENT OF FINANCE, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

Commercial Gases, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 221-05, passed by the Council of the City of Cleveland, March 7, 2005. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 31, 2005 AT 11:00 A.M., CITY HALL, DEPARTMENT OF FINANCE, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

March 23, 2005 and March 30, 2005

FRIDAY, APRIL 15, 2005

One (1) Rider/Reach Lift Truck, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, APRIL 5, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44115.

Chevrolet Car, Van and Light Truck Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 923-04, passed by the Council of the City of Cleveland, August 11, 2004. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, APRIL 5, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44115.

March 23, 2005 and March 30, 2005

WEDNESDAY, APRIL 20, 2005

Doan Brook Stream Restoration, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1121-01 and 279-02, passed by the Council of the City of Cleveland, July 8, 2001 and June 3, 2002.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, APRIL 6, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, PMT CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

March 23, 2005 and March 30, 2005

THURSDAY, APRIL 21, 2005

Landscaping Services, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 209-04, passed by the Council of the City of Cleveland, November 11, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 7, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Automotive and Truck Parts and Service, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 259-04, passed by the Council of the City of Cleveland, June 7, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY,

APRIL 8, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

March 23, 2005 and March 30, 2005

WEDNESDAY, APRIL 13, 2005

Lamps, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 267-05, passed by the Council of the City of Cleveland, March 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 8, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM #6, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Vitrified Clay Pipe, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 8, 2005 AT 10:00 A.M., WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

Vacuum Cleaners and Replacement Vacuum Cleaner Bags, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 229-05, passed by the Council of the City of Cleveland, March 7, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 8, 2005 AT 10:00 A.M., DIVISION OF ENVIRONMENT OF THE DEPARTMENT OF PUBLIC HEALTH, 1925 ST. CLAIR AVENUE, CLEVELAND, OHIO 44114.

March 30, 2005 and April 6, 2005

WEDNESDAY, APRIL 20, 2005

Rental of Large Capacity Trucks with Operators, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 767-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 8, 2005 AT 10:00 A.M., DIVISION OF STREETS, ROOM #25, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Rental and Laundry of Work Clothing, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 268-05, passed by the Council of the City of Cleveland, March 28, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 8, 2005 AT 2:00 P.M., CITY HALL, CONFERENCE ROOM #6, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 30, 2005 and April 6, 2005

FRIDAY, APRIL 29, 2005

Mower Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Ser-

vice, as authorized by Ordinance No. 927-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, APRIL 18, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLES MAINTENANCE BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

March 30, 2005 and April 6, 2005

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 11-05.**

By Council Member Britt.

An emergency resolution designating East 120th Street, Coltman Road, East 123rd Street, East 124th Street, and East 126th Street between Mayfield Road and Euclid Avenue residential permit parking areas.

Whereas, the Director of Public Service has received verified petitions by at least 250 dwelling units on East 120th Street, Coltman Road, East 123rd Street, East 124th Street and East 126th Street; and

Whereas, the Director of Public Service has completed a survey of the above mentioned streets and the surrounding areas and has determined that said streets have serious issues of motor vehicle congestion, particularly by long-term parking of cars on neighborhood streets by non-residents, combined with a lack of driveways and garages in the neighborhood; and

Whereas, the Director of Public Service has therefore determined East 120th Street, Coltman Road, East 123rd Street, East 124th Street and East 126th Street between Mayfield Road and Euclid Avenue eligible for residential permit parking and has recommended to Council that it designate said streets as residential permit parking areas; and

Whereas, Council Member Britt concurs in said Director's recommendation; and

Whereas, East 120th Street, Coltman Road, East 123rd Street, East 124th Street, and East 126th Street between Mayfield Road and Euclid Avenue have otherwise met the objective criteria set forth in Chapter 461 of the Codified Ordinances of Cleveland, Ohio, 1976; 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 designates East 120th Street, Coltman Road, East 123rd Street, East 124th Street, and East 126th Street between Mayfield Road and Euclid Avenue residential permit parking areas, twenty-four (24) hours per day, seven (7) days per week.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it received 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 March 21, 2005.

Effective March 22, 2005.

Res. No. 479-05.

By Council Member Britt.

An emergency resolution supporting the application of area health care institutions to the National Institute of Health for Centers of Excellence in Partnerships for Community Outreach, Research on Health Disparities and Training (Project EXPORT).

Whereas, the City of Cleveland has a high poverty rate, a large minority population, and marked health disparities; and

Whereas, poverty and unemployment in the City of Cleveland have left a significant portion of Cleveland citizens without adequate health care insurance or the ability to seek proper medical care; and

Whereas, the National Institute of Health is requesting applications for Centers of Excellence in Partnerships for Community Outreach, Research on Health Disparities and Training (Project EXPORT); and

Whereas, in response to such request, area health care institutions are submitting a proposal requesting funding of collaborative projects for Cleveland; and

Whereas, the participating institutions include Case Western Reserve University, the Cleveland Clinic Foundation, the Cleveland Clinic Health System — East, Cleveland State University, and MetroHealth Medical Center; and

Whereas, the collaborative projects are designed to address important health disparities in Cleveland, enhance awareness of, interest in, and collaborations around health disparities in the City, and to create a durable community and institutional infrastructure to understand and reduce health disparities in Cleveland; and

Whereas, the collaborative projects will help address health care disparities and benefit the citizens of the City of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the application of area health care institutions to the National Institute of Health for Centers of Excellence in Partnerships for Community Outreach, Research on Health Disparities and Training (Project EXPORT).

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Cleveland Clinic Foundation.

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 March 21, 2005.
Effective March 22, 2005.

Res. No. 480-05.

**By Council Members Brady, Polen-
sek, Britt, Conwell, Coats, Pierce
Scott, Lewis, Jackson, Zone and Cin-
tron.**

An emergency resolution encouraging the Rock and Roll Hall of Fame Foundation to work with the Rock and Roll Hall of Fame and Museum to enable Cleveland to host the annual Rock and Roll Hall of Fame induction ceremony.

Whereas, the City of Cleveland campaigned for the Rock and Roll Hall of Fame and Museum and competed with several other cities; and

Whereas, the City's campaign included 650,000 signatures on petitions and over 110,000 telephone calls to a USA Today hotline; and

Whereas, the Rock and Roll Hall of Fame Foundation chose Cleveland as the permanent home for the Rock and Roll Hall of Fame and Museum in May of 1986; and

Whereas, factors that led the Rock and Roll Hall of Fame Foundation to choose Cleveland were the enthusiasm shown by the City and the professional of the effort to win the Rock and Roll Hall of Fame and Museum; and

Whereas, the Rock and Roll Hall of Fame and Museum opened in Cleveland in May of 1995; and

Whereas, the Rock and Roll Hall of Fame and Museum honors the legendary performers, producers, songwriters, disc jockeys and others who have made rock and roll the force in our culture that it is; and

Whereas, the Rock and Roll Hall of Fame Foundation nominates and elects performers, producers, songwriters, disc jockeys, and others at an annual induction ceremony; and

Whereas, the twentieth annual induction ceremony was held on March 14, 2005 in New York City; and

Whereas, the Rock and Roll Hall of Fame Foundation should appropriately honor new Rock and Roll Hall of Fame inductees by holding the induction ceremony in Cleveland, Ohio, the home of the Rock and Roll Hall of Fame and Museum; and

Whereas, this Council encourages the Rock and Roll Hall of Fame Foundation to work with the Rock and Roll Hall of Fame and Museum to enable Cleveland to host the annual Rock and Roll Hall of Fame induction ceremony; 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 encourages the Rock and Roll Hall of Fame Foundation to work with the Rock and Roll Hall of Fame and Museum to enable Cleveland to host the annual Rock and Roll Hall of Fame induction ceremony.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to board members of the Rock and Roll Hall of Fame Foundation, New York, New York, Terry Stewart, Executive Director of the Rock and Roll Hall of Fame and Museum, and the Greater Cleveland Partnership.

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 March 21, 2005.

Effective March 22, 2005.

Res. No. 481-05.

By Council Member Cimperman.

An emergency resolution withdrawing objection to a New D3A Liquor Permit at 1266 West 6th Street, 1st floor and basement, and repealing Resolution No. 311-05, objecting to said permit.

Whereas, this Council objected to a New D3A Liquor Permit to 1266 West 6th Street by Resolution No. 311-05 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 D3A Liquor Permit to 1267 West 6th St., LLC, 1266 West 6th Street, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 6548565, be and the same is hereby withdrawn and Resolution No. 311-05, 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 March 21, 2005.

Effective March 22, 2005.

Res. No. 482-05.

By Council Member Johnson.

An emergency resolution objecting to the transfer of stock of a C1 and C2 Liquor Permit to 2976 East 116th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of stock of a C1 and C2 Liquor Permit at 1976, Inc., 2976 East 116th Street, Cleveland, Ohio 44120, Permanent Number 9116662; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of stock of a C1 and C2 Liquor Permit at 2976, Inc., 2976 East 116th Street, Cleveland, Ohio 44120, Permanent Number 9116662, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted March 21, 2005.

Effective March 22, 2005.

Res. No. 483-05.

By Council Member Lewis.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 9200 Wade Park Avenue, Units A30-A40, and repealing Resolution No. 1368-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 9200 Wade Park Avenue, Units A30-A40 by Resolution No. 1368-04 adopted by the Council on July 14, 2004; and

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

Whereas, this resolution constitutes an emergency measure provid-

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to HNA Food, Inc., DBA HNA Foods, 9200 Wade Park Avenue, Units A30 - A40, Cleveland, Ohio 44103, Permanent Number 3469517 be and the same is hereby withdrawn and Resolution No. 1368-04, 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 March 21, 2005.

Effective March 22, 2005.

Res. No. 484-05.

By Council Member O'Malley.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 5741 Memphis Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Alimahal, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0121117 to Crystal & George, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1841378; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Alimahal, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 0121117 to Crystal & George, Inc., DBA Convenient Food Mart #3-053, 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1841378; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted March 21, 2005.

Effective March 22, 2005.

Res. No. 485-05.

By Council Member Rybka.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3628 Independence Road, 1st floor and basement, and repealing Resolution No. 321-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 3628 Independence Road, 1st floor and basement by Resolution No. 321-05 adopted by the Council on February 28, 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 the transfer of ownership of a C1 and C2 Liquor Permit to Yabas & Yamas Co., d.b.a. 3 M Food Market, 3628 Independence Road, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 9806201 be and the same is hereby withdrawn and Resolution No. 321-05, 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 March 21, 2005.

Effective March 22, 2005.

**Res. No. 486-05.
By Council Member Jackson.
An emergency resolution establishing the summer schedule of meetings of the Council of the City of Cleveland.**

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 the schedule of meetings during the summer months of the Council of the City of Cleveland is hereby established as follows:

July 13, 2005
August 3, 2005

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 12, 2005.

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 March 21, 2005.
Effective March 22, 2005.

**Ord. No. 1259-04.
By Council Members Britt, Sweeney, Cimperman and Jackson (by departmental request).**

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2455-02, passed March 10, 2003, as amended by Ordinance No. 1699-03, passed November 17, 2003, relating to an encroachment permit for the Cleveland Clinic's pedestrian tunnel on Euclid Avenue.

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

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

Section 1. That the title and Section 1 of Ordinance No. 2455-02, passed March 10, 2003, as amended by Ordinance No. 1699-03, passed November 17, 2003, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to encroach underground and across Euclid Avenue for the construction of a "revised" underground pedestrian tunnel realignment and utility chase to connect the office building/parking garage facilities and the Heart Center Building Entryway.

Section 1. That the Director of Public Service is authorized to issue a permit to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio, 44195 ("Permittee") to encroach into the public right-of-way of Euclid Avenue constructing, installing, using, and maintaining the "revised" underground pedestrian tunnel realignment and utility chase to connect its office build-

ing/parking garage facilities and Heart Center Building Entryway. Permittee shall construct the structures permitted at the locations more fully described as follows:

REVISED DESCRIPTION OF ENCROACHMENT FOR THE CLEVELAND CLINIC FOUNDATION PEDESTRIAN TUNNEL AND ELECTRICAL AND VOICE/DATA DUCT BANKS UNDER EUCLID AVENUE

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland; and being a 65 foot wide encroachment across the 80.00-foot right of way of Euclid Avenue; said encroachment being more particularly described as follows:

Commencing for reference at a nail found at the intersection of the centerline of East 93rd Street and centerline of said Euclid Avenue;

Thence along the centerline of said Euclid Avenue, South 88°-24'-06" West a distance of 69.97 feet to the TRUE point of beginning of the encroachment herein conveyed;

Thence along the east line of the proposed encroachment, North 18°-28'-09" West a distance of 41.80 feet to a point on the northerly right of way line of said Euclid Avenue;

Thence along said right of way line and the north line of the proposed encroachment, South 88°-24'-06" West a distance of 67.92 feet to a point;

Thence along the west line of the proposed encroachment, South 18°-28'-09" East a distance of 83.60 feet to a point on the southerly right of way line of said Euclid Avenue;

Thence along said right of way line and the south line of the proposed encroachment line, North 88°-24'-06" East a distance of 67.92 feet to a point;

Thence along the east line of the proposed encroachment line, North 18°-28'-09" West a distance of 41.80 feet to the TRUE point of beginning and containing 0.125 acres, more or less.

The elevation of pedestrian tunnel within above encroachment ranges from 672.0 feet to 655.4 feet based on Cleveland Regional Geodetic Survey along entire length of said encroachment.

The top of the electrical duct bank generally lies at an elevation of 676.5 feet and consists of six (6) conduits, stacked in two rows of three and concrete encased. The top of the voice/data duct bank generally lies at an elevation of 676.5 and consists of eight (8) conduits stacked in two rows of four and concrete encased.

The above description was prepared under the direction of Michael D. Weeks, Professional Surveyor No. 7357.

The Basis of Bearing for this description is the Centerline of Euclid Avenue, being South 88°-24'-06" West as shown in a survey made for the Cleveland Clinic Foundation by Christopher M. Soltes, Ohio Registered Surveyor No. 7441, dated March 2002.

Michael D. Weeks
Registered Surveyor No. 7357

**DESCRIPTION APPROVED BY
JOHN E. JENKINS CHIEF OF
SECTION OF PLATS AND SURVEYS**
The permit shall be revocable at the will of Council and assignable

by Permittee with the written consent of the Director of Public Service.

Section 2. That the existing title and Section 1 of Ordinance No. 2455-02, passed March 10, 2003, as amended by Ordinance No. 1699-03, passed November 17, 2003, are repealed.

Section 3. That Permittee shall construct the encroaching structure(s) to conform to plans and specifications approved by the Commissioner of Engineering and Construction and shall obtain all other required permits, including a Building Permit before installing the encroachments.

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 March 21, 2005.
Effective March 22, 2005.

**Ord. No. 1260-04.
By Council Members Britt, Sweeney, Cimperman and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Cleveland Clinic Foundation to encroach into the public right-of-way of East 96th Street to construct, install, use, and maintain various vaults, banks, manholes, lines, and a foundations hoist and crane at the location.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit to the Cleveland Clinic Foundation ("Permittee") to encroach into the public right-of-way of East 96th Street between Euclid and Carnegie by constructing, installing, using, and maintaining the following structures as part of the Permittee's Heart Center project:

Eight electrical vaults (4-6' x 6') (2-6' x 10') (2-6' x 20')
Seventeen duct banks of various sizes

Three electrical manholes
Five 3" fuel oil supply lines and five 3" return lines
One 3" natural gas line
One 12" water and one 8" supply line and one 10" fire supply line
Two 10' x 18' water vaults
Foundations hoist 20' x 20' and crane 25' x 33

The permit shall be revocable at the will of Council and assignable by Permittee with the written consent of the Director of Public Service.

Section 2. That Permittee shall place and construct the encroaching structures to conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 3. That the permit authorized by this ordinance shall be prepared by the Director of Law, shall contain such additional provisions as the Director of Law determines necessary to protect and benefit the public interest, and shall be issued only when, in the opinion of the Director of Law, the City has been properly indemnified against any loss which may result from the encroachments permitted.

Section 4. That the Permit shall reserve reasonable right of entry to the City; that Permittee shall maintain the permitted encroachment(s); and that Permittee shall pay any taxes and assessments due and/or owing on the permitted encroachment areas.

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

Passed March 21, 2005.

Effective March 22, 2005.

Ord. No. 1261-04.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Cleveland Clinic Foundation to encroach into the public right-of-way of a portion of East 89th Street, a portion of Carnegie Avenue, and a portion of East 96th Street to construct, install, use, and maintain three electrical and data duct banks at each location.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit to the Cleveland Clinic Foundation ("Permittee") to encroach into the public right-of-way of a portion of East 89th Street, a portion of Carnegie Avenue, and a portion of East 96th Street by constructing, installing, using, and maintaining electrical and data duct banks at the locations as part of the Permittee's stem cell project. That Permittee shall construct the structure(s) permitted at the locations more fully described as follows:

A

**Ductbank Encroachment #1
Cleveland Clinic**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of original 100 acre Lot Nos. 400 and 401 and further described as follows:

Beginning at a stone in a monument box marking the intersection of Euclid Avenue and East 89th Street;

Thence S 0°-08'-00" W, along the centerline of East 89th Street, 258.97 feet;

Thence S 89°-52'-00" E and perpendicular to said centerline, 30.00 feet to the easterly right of way of East 89th Street and the principal place of beginning for the following encroachment;

Thence S 0°-08'-00" W along said easterly right of way, 13.625 feet;

Thence S 61°-51'-52" W, and crossing East 89th Street, 68.125 feet to the westerly right of way of East 89th Street;

Thence N 0°-08'-00" E, along said westerly right of way, 13.625 feet;

Thence N 61°-51'-52" E, and crossing said right of way of East 89th Street, 68.125 feet to the principal place of beginning.

Containing within said bounds, 817.50 square feet. Basis of bearings for the above-described encroachment are assumed and used to describe angles only.

Description reviewed and approved by John Jenkins, Division of Engineering & Construction.

**Ductbank Encroachment #2
Cleveland Clinic**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original 100 acre Lot Nos. 400 and 401 and further described as follows:

Beginning at a monument box marking the centerline of East 96th Street and the northerly right of way of Carnegie Avenue.

Thence S 1°-00'-36" W, along the centerline of East 96th Street, 19.83 feet to a point. Said point being 20.01 feet northerly from the centerline intersection of East 96th Street and Carnegie Avenue and is also the principal place of beginning for the following described encroachment;

Thence continuing along the centerline of East 96th Street S 1°-00'-36" W, and passing through said centerline intersection, 60.03 feet to a point on the southerly right of way line of Carnegie Avenue;

Thence S 89°-09'-10" W, along the southerly right of way line of Carnegie Avenue, 20.01 feet to a point;

Thence N 6°-08'-24" W, 40.17 feet to a point on the centerline of Carnegie Avenue;

Thence S 89°-09'-10" W, along the centerline of Carnegie Avenue, 716.15 feet to the centerline of East 90th Street;

Thence N 0°-31'-12" W, along the centerline of East 90th Street 40.00 feet, to the northerly right of way of Carnegie Avenue;

Thence N 89°-09'-10" E, 20.00 feet to the easterly right of way of East 90th Street;

Thence S 0°-31'-12" E, 20.00 feet to a point that is 20.00 feet northerly of the centerline of Carnegie Avenue;

Thence N 89°-09'-10" E and parallel to the centerline of Carnegie Avenue, 316.89 feet to a point;

Thence N 0°-50'-50" W, 20.00 feet to the northerly right of way of Carnegie Avenue;

Thence N 89°-09'-10" E, along said northerly right of way 20.00 feet to a point;

Thence S 0°-50'-50" E, 20.00 feet to a point that is 20.00 feet northerly of the centerline of Carnegie Avenue;

Thence N 89°-09'-10" E, and parallel to the centerline of Carnegie Avenue, 208.00 feet;

Thence N 0°-50'-50" W, 20.00 feet to the northerly right of way of Carnegie Avenue;

Thence N 89°-09'-10" E, along said right of way, 20.00 feet;

Thence S 0°-50'-50" E, 20.00 feet to a point that is 20.00 feet northerly of the centerline of Carnegie Avenue;

Thence N 89°-09'-10" E, and parallel with the centerline of Carnegie Avenue, 10.00 feet;

Thence N 0°-50'-50" W, 20.00 feet to the northerly right of way of Carnegie Avenue;

Thence N 89°-09'-10" E, along said northerly right of way 20.00 feet;

Thence S 0°-50'-50" E, 20.00 feet to a point that is 20.00 feet northerly of the centerline of Carnegie Avenue;

Thence N 89°-09'-10" E, and parallel to the centerline of Carnegie Avenue, 126.81 feet to the principal place of beginning.

Containing within said bounds 17,329.08 square feet. Basis of bearings for the above-described encroachment are assumed and used to describe angles only.

Description reviewed and approved by John Jenkins, Division of Engineering & Construction.

**Ductbank Encroachment #3
Cleveland Clinic
East 96th Street**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of original 100 acre Lot Nos. 400 and 401 and further described as follows:

Beginning at a monument box found marking the intersection of the centerline of East 96th Street and the northerly right of way of Carnegie Avenue, said point also being the principal place of beginning for the following encroachment.

Thence N 1°-00'-36" E, along the centerline of East 96th Street, 276.69 feet to a point;

Thence S 89°-01'-01" W, 33.02 feet to the westerly right of way of East 96th Street;

Thence N 1°-00'-36" E, along said right of way, 12.01 feet to a point;

Thence N 89°-01'-01" E, 33.02 feet to the centerline of East 96th Street;

Thence N 1°-00'-36" E, along said centerline, 442.40 feet to a point;

Thence S 89°-08'-32" W, 33.02 feet to the westerly right of way of said street;

Thence N 1°-00'-36" E, along said right of way, 12.01 feet;

Thence N 89°-08'-32" E, 33.02 feet to the centerline of East 96th Street;

Thence N 1°-00'-36" E, along said centerline, 32.54 feet to a point;

Thence S 88°-36'-39" W, 33.03 feet to the westerly right of way of said street;

Thence N 1°-00'-36" E, along said right of way, 12.01 feet;

Thence N 88°-36'-39" E, 33.03 feet to the centerline of East 96th Street;

Thence N 1°-00'-36" E, along said centerline, 13.92 feet to the southerly right of way of Euclid Avenue;

Thence N 87°-36'-22" E, along the southerly right of way of Euclid Avenue, 20.04 feet;

Thence S 1°-00'-36" W, along a line that is parallel to and 20.00 feet easterly from the centerline of East 96th Street, 449.68 feet;

Thence N 89°-59'-05" E, 13.00 feet to a point of the easterly right of way of East 96th Street;

Thence S 1°-00'-36" W, along said easterly right of way 12.00 feet to a point;

Thence S 89°-59'-05" W, 13.00 feet to a point. Said point being 20.00 feet easterly from the centerline of East 96th Street;

Thence S 1°-00'-36" W, along a line that is parallel to and 20.00 feet easterly of said centerline, 350.26 feet to a point;

Thence S 45°-04'-53" W, 28.75 feet to a point in the centerline of East 96th Street;

Thence N 1°-00'-36" E, along the centerline of East 96th Street, 10.01 feet;

Thence S 89°-09'-10" W, and parallel to the centerline of Carnegie Avenue, 15.01 feet;

Thence N 45°-04'-53" E, 21.57 feet to the centerline of East 96th Street;

Thence N 1°-00'-36" E, along the centerline of East 96th Street, 4.82 feet to the principal place of beginning.

Containing within said bounds 17,890.78 square feet. Basis of bearings for the above-described encroachment are assumed and used to describe angles only.

Description reviewed and approved by John Jenkins, Division of Engineering & Construction.

The permit shall be revocable at the will of Council and assignable by the Permittee with the written consent of the Director of Public Service.

Section 2. That Permittee shall place and construct the duct banks to conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Per-

mits, before installing the encroachments.

Section 3. That the permit authorized by this ordinance shall be prepared by the Director of Law, shall contain such additional provisions as the Director of Law determines necessary to protect and benefit the public interest, and shall be issued only when, in the opinion of the Director of Law, the City has been properly indemnified against any loss which may result from the encroachments permitted.

Section 4. That the Permit shall reserve reasonable right of entry to the City; that Permittee shall maintain the permitted encroachment(s); and that Permittee shall pay any taxes and assessments due and/or owing on the permitted encroachment areas.

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

Passed March 21, 2005.

Effective March 22, 2005.

Ord. No. 73-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Vitus Development Corporation to encroach into the public right-of-way of 6111 Lausche Avenue with one closed circuit camera for surveillance to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to St. Vitus Development Corporation (6111 Lausche Avenue) ("Permittee") to encroach into the public right-of-way above Lausche Avenue by installing, using, and maintaining one closed circuit camera for surveillance to be attached to Cleveland Public Power utility poles (by separate permission), for the period starting January 1, 2005 and ending December 31, 2005, at the location more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
6111 Lausche Avenue	40	CPP

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That Permittee shall install the encroaching structures only conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That the Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall include such additional provisions as the director determines necessary to protect and benefit the public interest. The Permit shall be issued only when, in the opinion of the Director of Law, the City has been properly indemnified against any loss which may result from the encroachment permitted.

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

Passed March 21, 2005.

Effective March 22, 2005.

Ord. No. 74-05.**By Council Member Cimperman.**

An emergency ordinance establishing the Ohio City Historic District (Map Change No. 2145, Sheet No. 1) and Repealing Ordinance No. 708-04 Passed May 17, 2004.

Whereas, the Cleveland Landmarks Commission (the "Commission") under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Ohio City Historic District as a landmark; and

Whereas, the Cleveland City Council adopted Ordinance 708-04 on May 17, 2004, establishing the Ohio City Historic District; and

Whereas, the Commission has proposed the expansion of the boundaries of the Ohio City Historic District established by Ordinance 708-04; and

Whereas, the Commission has determined that the character, interest, and value of the proposed Ohio City Historic District is part of the development, heritage, and cultural characteristics of the City of Cleveland; and

Whereas, the proposed Ohio City Historic District is identified with persons who significantly contributed to the culture and development of the City of Cleveland; and

Whereas, the proposed Ohio City Historic District exemplifies the cultural, economic, social, and historic heritage of the City of Cleveland; and

Whereas, the proposed Ohio City Historic District is identified with the work of architects and master builders whose individual work has influenced the development of the City of Cleveland; and

Whereas, the owners of the properties within the boundaries of the proposed Ohio City Historic District have been properly notified under Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, a public hearing under Chapter 161.04 (b) subsections (2) and (3) was held on August 26, 2004 to discuss the proposed expansion of the Ohio City Historic District; and

Whereas, the Commission has recommended designation of the Ohio City Historic District as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That the following area, outlined in red on the attached map is designated the Ohio City Historic District:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of the Original Brooklyn Township Lot Nos. 49, 50, 51, 52, 69, and 70 described as follows:

Beginning at the intersection of the centerlines of West 28th Street and Bridge Avenue N.W.; thence

Northeasterly along the centerline of Bridge Avenue N.W. and its Northeasterly prolongation to the centerline of the Cuyahoga River; thence Northwesterly and Northerly along the centerline of said river to its intersection with the Southeasterly prolongation of the centerline of West 24th Street; thence Northwesterly along the Southeasterly prolongation and along the centerline of West 24th Street, to its intersection with the centerline of Washington Avenue N.W.; thence Southwesterly along the centerline of Washington Avenue N.W. to its intersection with the Southerly right-of-way line of the Cleveland Memorial Shoreway, N.W.; thence Southwesterly along said right-of-way to its intersection with the Northerly prolongation of the centerline of West 32nd Street; thence Southeasterly along the Northerly prolongation and along the centerline of West 32nd Street to its intersection with the Northeasterly prolongation of the most Southerly Line of Parcel "A" as shown by the Recorded Plat in Volume 311, Page 50 of Cuyahoga County Records; thence Southwesterly, Northwesterly, and Southwesterly along said Northeasterly prolongation and Southerly Line of Parcel "A" and its Southwesterly prolongation to its intersection with the Centerline of West 33rd Street (16 feet wide); thence Northwesterly along said Centerline of West 33rd Street to its intersection with the Centerline of Wheat Court to its intersection with the centerline of West 38th Street (66 feet wide); thence continuing Southwesterly along the Centerline of Wheat Court (16.5 feet wide) to its intersection with the Centerline of West 45th Street (60 feet wide); thence continuing Southwesterly along said Centerline of Wheat Court to its intersection with the Centerline of West 48th Street (60 feet wide); thence Northerly along said Centerline of West 48th Street to its intersection with the Easterly prolongation of the Northerly Line of a Parcel of Land conveyed to Aga Gas Inc. by Deed Dated Dec. 24, 2002 and recorded in AFN 2002-12240415 of Cuyahoga County Records, also known as PPN 002-14-002; thence Westerly, Northerly, and Westerly along said Easterly prolongation and Northerly Line of PPN 002-14-002 to its intersection with the Easterly Line of Parcel "A" as shown by the Recorded Lot Consolidation Plat in Volume 272, Page 33 of Cuyahoga County Records; thence Southerly along said Easterly Line of Parcel "A" to the Southeasterly Corner thereof; thence Westerly, Southerly, and Westerly along the Southerly Line of said Parcel "A" to its intersection with the Westerly Line of Jacob Perkins Allotment as shown by the Recorded Plat in Volume 1, Page 19 of Cuyahoga County Records; thence Southerly along said Westerly Line of Jacob Perkins Allotment to its intersection with the most Northerly Line of a Parcel of Land conveyed to Mark M. Bouguerra by Deed Dated Dec. 8, 2003 and recorded in AFN 200312080687 of Cuyahoga County Records, also known as PPN 002-14-047; thence Westerly, Southerly, and

Westerly along said Northerly Line of PPN 002-14-047 to the Northeast Corner of a Parcel of Land conveyed to Edward Raffel by Deed Dated Jan. 9, 1992 and recorded in AFN 00192752 of Cuyahoga County Records, also known as PPN 002-14-046; thence Westerly along the Northerly Line and its Westerly prolongation of said PPN 002-14-047 to its intersection with the Centerline of West 50th Street (50 feet wide); thence Southerly along said Centerline of West 50th Street to its intersection with the Easterly prolongation of the Southerly line of Sublot number 128 in said Baldwin Subdivision; thence Westerly along the Easterly prolongation and Southerly line of said Sublot number 128 to its intersection with the Easterly line of Sublot number 8 in the C.W. Schmidt Allotment as shown by the recorded plat in Volume 2 page 36 of Cuyahoga County records; thence Southerly along the Easterly line of Sublot number 8 in said allotment to the Southeast corner thereof; thence Westerly along the Southerly line of said Sublot number 8 and its Westerly prolongation to its intersection with the centerline of West 52nd Street; thence Southerly along the centerline of said West 52nd Street to its intersection with the Westerly prolongation of the Northerly line of Sublot number 16 in the C.W. Schmidt allotment as aforesaid; thence Easterly along the Westerly prolongation and Southerly line of said Sublot number 16 to the Westerly line of Sublot number 118 in the Dudley Baldwin Subdivision as shown by the recorded plat in Volume 2 page 51 of Cuyahoga County records; thence Northerly along the Westerly line of Sublot numbers 118 and 119 in said Subdivision to the Northwest corner thereof; thence Easterly along the Northerly line of said Sublot number 119 and its Easterly prolongation to its intersection with the centerline of West 50th Street; thence Northerly along the centerline of said West 50th Street to its intersection with the centerline of Wales Court; thence in a general Easterly direction along the centerline of said Wales Court and passing through West 49th Place, West 48th Street, West 48th Place, West 47th Street and West 46th Place to its intersection with the centerline of West 45th Street; thence Northerly along the centerline of said West 45th Street to its intersection with the Westerly prolongation of the Northerly line of Sublot number 1 in the Dudley Baldwin Subdivision as aforesaid; thence Easterly along the Westerly prolongation and Northerly line of said Sublot number 1 to the Westerly line of Original Brooklyn Township Lot number 52; thence Southerly along said Original Lot number 52 to the Southerly line of Sublot number 929 in the Barber & Lord Subdivision as shown by the recorded plat in Volume 11 page 26 of Cuyahoga County records; thence Easterly along the Southerly line of said Sublot 929 and its Easterly prolongation to its intersection with the centerline of West 44th Street; thence Northerly along the centerline of said West 44th Street to its intersection with the centerline of Fulton Court, N.W.;

thence Northeasterly along the centerline of said Fulton Court, N. W., to its intersection with the centerline of West 42nd Place; thence Southeasterly along the centerline of said West 42nd Place to its intersection with the centerline of Cyrano Court, N.W.; thence Easterly along the centerline of said Cyrano Court, N.W., to its intersection with the centerline of Randall Road, N.W.; thence Southerly along the centerline of said Randall Road, N.W., to its intersection with the Westerly prolongation of the Southerly line of a parcel of land conveyed to Donald A. and Rose M. Straw by deed dated October 1, 1996 and recorded in AFN 00348567 of Cuyahoga County Records and also known as PPN 003-35-076; thence Northeasterly along the Westerly prolongation and Southerly line of said parcel conveyed to Donald A. and Rose M. Straw to the Southeasterly corner thereof; thence Northwesterly along the Easterly line of said parcel and the Easterly line of a parcel of land conveyed to Roger S. Zonal by deed recorded in AFN 200310301018 on Oct. 30, 2003 and known as PPN 003-35-077 and its Northerly prolongation to the centerline of Fulton Court, N.W., as aforesaid; thence Northeasterly along the centerline of said Fulton Court, N.W., to its intersection with the Northerly prolongation of the Westerly line of land conveyed to Charles A. Fridrich by deed recorded in AFN 00050942 on July 10, 1995 and also known as PPN 003-35-049; thence Southeasterly along the Northerly prolongation and Westerly line of said Fridrich parcel to the Southwesterly corner thereof; thence Northeasterly along the Southerly line of said Fridrich parcel and its Easterly prolongation to the centerline of Fulton Place, N.W. (16 feet wide); thence Southeasterly along the centerline of said Fulton Place, N.W., to its intersection with the centerline of an unnamed 12 foot alley about 125 feet North of Lorain Avenue; thence Northeasterly along the centerline of said unnamed alley to the Westerly line of Library Park also known as PPN 003-36-066; thence Northwesterly along the Westerly line of said Library Park and its Northerly prolongation to the centerline of Fulton Court, N.W., as aforesaid; thence Northeasterly along the centerline of said Fulton Court, N.W., to its intersection with the centerline of West 38th Street; thence Southeasterly along the centerline of West 38th Street to its intersection with the centerline of Fulton Road, N.W.; thence Northeasterly along the centerline of said Fulton Road, N.W., to its intersection with the centerline of Penn Court, N.W.; thence Southeasterly and Easterly along the centerline of said Penn Court, N.W., to its intersection with the Southerly prolongation of the Easterly line of property conveyed to St. Ignatius High School by Deed dated June 29, 1999 and recorded in AFN 00758473 of Cuyahoga County and also known as PPN 003-37-047; thence Northwesterly along the Southerly prolongation and the Easterly line of said property and its Northwesterly prolongation to its intersection with

the centerline of Carroll Avenue, N.W. (50 feet wide); thence Northeasterly along the centerline of said Carroll Avenue, N.W., to its intersection with the southeasterly extension of West 29th Place; thence northwesterly along said southeasterly extension and along said centerline of West 29th Place and along its northwesterly extension to the centerline of Carroll Court, N.W.; thence northeasterly along said centerline of Carroll Court, N.W., to its intersection with the centerline of West 28th Street (66 feet wide); thence Northwesterly along the centerline of said West 28th Street to the centerline of Bridge Avenue, N.W., and the place of beginning.

Section 2. That the Ohio City Historic District, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 3. That the designation of the area described above as the Ohio City Historic District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the City Planning Commission by the appropriate person designated for that purpose by the City Planning Commission. Further, a copy of the map attached shall be available for public inspection in the office of the Cleveland Landmarks Commission. Ordinance No. 708-04 passed May 17, 2004 is repealed.

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 March 21, 2005.

Effective March 22, 2005.

Ord. No. 173-05.

By Council Member Zone.

An emergency ordinance designating Watterson-Lake Elementary School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Watterson-Lake Elementary School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on January 13, 2005 to discuss the proposed designation of Watterson-Lake Elementary School as a landmark; and

Whereas, the Commission has recommended designation of Watterson-Lake Elementary School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health,

and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Watterson-Lake Elementary School whose street address in the City of Cleveland is 1422 W. 74th Street, N. W., also known as Cuyahoga County Auditor's Permanent Parcel Numbers: 002-18-009, 002-18-036, 002-18-035, 002-18-079, 002-18-034, 002-18-033, 002-18-032, 002-18-017, 002-18-016, 002-18-015, 002-18-014, 002-18-013, and 002-18-012, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 March 21, 2005.

Effective March 22, 2005.

Ord. No. 175-05.

By Council Member Lewis.

An emergency ordinance designating Willson Middle School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Willson Middle School as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on January 13, 2005 to discuss the proposed designation of Willson Middle School as a landmark; and

Whereas, the Commission has recommended designation of Willson Middle School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Willson Middle School whose street address in the City of Cleveland is 1625 East 55th Street, N. E., also known as Cuyahoga County Auditor's Permanent Parcel Numbers 104-16-014 and 104-16-013, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic

value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 March 21, 2005.

Effective March 22, 2005.

Ord. No. 224-05.
By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities and the Commissioner of Purchases and Supplies to enter into an agreement with 12620 Kirby Avenue LLC providing for the exchange of certain real property.

Whereas, 12620 Kirby Avenue LLC currently owns real property known as Lot Split Parcel C; and

Whereas, 12620 Kirby Avenue LLC wishes to transfer Lot Split Parcel C to the City of Cleveland in exchange for Lot Split Parcel E, which is more desirable to the City of Cleveland for municipal purposes; and

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

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

Section 1. That notwithstanding and as an exception to Chapter 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities and the Commissioner of Purchases and Supplies are authorized to enter into an agreement for and on behalf of the City of Cleveland with 12620 Kirby Avenue LLC for an exchange of lands, including transfer of fee title to the City of Cleveland the following described property presently owned by 12620 Kirby Avenue LLC:

LOT SPLIT PARCEL "C"
TO THE CITY OF CLEVELAND
rev. 1/19/05
FROM 12610 KIRBY AVE. LLC

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of the Original 100 acre Lot No. 357 and 358 and is further bounded and described as follows:

Beginning at an iron pin monument at the intersection of the centerlines of Coit Road, 60 feet in width, and the centerline of Kirby Avenue, 60 feet in width;

Thence South 59° 09' 10" West, along said centerline of Kirby Avenue, 1165.17 feet to the most westerly corner of parcel no. 3 conveyed to 12610 Kirby Ave. LLC, who claims title by instrument recorded in auditors file number 200301031596 of the Cuyahoga County records;

Thence South 18° 37' 22" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 3, 30.70 feet to the southerly line of said Kirby Avenue, said point being the northeast corner of parcel no. 5 conveyed to 12610 Kirby Ave. LLC, who claims title by instrument recorded in auditors file no. 200301031596 of the Cuyahoga County Records;

Thence South 59° 09' 10" West, along said southerly line of Kirby Avenue, 622.07 feet to the northwest corner of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 5;

Thence South 30° 50' 50" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 5, 312.88 feet to an iron pin set, and the principal point of beginning;

COURSE I — Thence North 59° 09' 10" East, parallel with said centerline of Kirby Avenue, 93.59 feet to an iron pin set;

COURSE II — Thence South 30° 50' 50" East, parallel with said westerly line of land conveyed to 12610 Kirby Ave. LLC as parcel no. 5 and distant 93.59 feet by normal measure there from, 93.59 feet to a point;

COURSE III — Thence South 59° 09' 10" West, parallel with said centerline of Kirby Avenue, 93.59 feet to an iron pin set in said westerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no. 5;

COURSE IV — Thence North 30° 50' 50" West, along said westerly line of Kirby Avenue LLC parcel no. 5, 93.59 feet to the principal point of beginning and containing, about 0.201 of an acre of land (8,759 sq. ft.) as surveyed and described in April 2004 by James S. Davenport, Ohio Professional Surveyor #7749 of Richard L. Bowen Associates.

Section 2. That the agreement shall also provide for the conveyance by the City to 12620 Kirby Avenue LLC of the following described property presently owned by the City:

LOT SPLIT PARCEL "E"
FROM THE CITY OF CLEVELAND
rev. 1/19/05
TO 12610 KIRBY AVE. LLC

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of the Original 100 acre Lot No. 358 and is further bounded and described as follows:

Beginning at an iron pin monument at the intersection of the centerlines of Coit Road, 60 feet in width, and the centerline of Kirby Avenue, 60 feet in width;

Thence South 59° 09' 10" West, along said centerline of Kirby Avenue, 1165.17 feet to the most westerly corner of parcel no. 3 conveyed to 12610 Kirby Ave. LLC, who claims title by instrument recorded in auditor's file number 200301031596 of the Cuyahoga County Records;

Thence South 18° 37' 22" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 3, 30.70 feet to the southerly line of said Kirby Avenue, said point being the northeast corner of parcel no. 5 conveyed to 12610

Kirby Ave. LLC, who claims title by instrument recorded in auditors file no. 200301031596 of the Cuyahoga County Records;

Thence South 59° 09' 10" West, along said southerly line of Kirby Avenue, 622.07 feet to the northwest corner of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 5;

Thence South 30° 50' 50" East, along the westerly line of said land conveyed to 12610 Kirby Ave. LLC as parcel no. 5, 312.88 feet to a point;

Thence North 59° 09' 10" East, parallel with said centerline of Kirby Avenue, 93.59 feet to a point;

Thence South 30° 50' 50" East, parallel with said westerly line of land conveyed to 12610 Kirby Ave. LLC as parcel no. 5 and distant 93.59 feet by normal measure therefrom, 93.59 feet to the southerly line of said land conveyed to 12610 Kirby Avenue LLC as parcel no.5 and the principal point of beginning;

COURSE I — Thence North 59° 09' 10" East, parallel with said centerline of Kirby Avenue and along the southerly line of said land conveyed to 12610 Kirby Avenue LLC as parcel no. 5, 273.42 feet to a point of curvature;

COURSE II — Thence northeasterly, along the arc of a curve on said southerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no. 5, deflecting to the right, the radius of which is 312.94 feet, and the chord of which bears North 74° 17' 19" East and is 163.42 feet in length, 165.34 feet to the northwest corner of land conveyed to 12610 Kirby Avenue LLC as parcel no. 7, who claims title by instrument recorded in auditor's file number 200301031596;

COURSE III — Thence South 18° 37' 22" East, along the westerly line of said land conveyed to 12610 Kirby Avenue LLC as parcel no. 7, 21.03 feet to the northerly line of parcel no. 6 conveyed to 12610 Kirby Avenue LLC, who claims title by instrument recorded in auditors file no. 200301031596;

COURSE IV — Thence South 89° 24' 56" West, along said northerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no. 6, 6.52 feet to a non-tangent curve;

COURSE V — Thence southwesterly, along the arc of a curve deflecting to the left continuing along said northerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no.6, the radius of which is 292.94 feet and the chord of which bears South 74° 17' 19" West, and is 152.98 feet in length, 154.77 feet to a point of tangency;

COURSE VI — Thence South 59° 09' 10" West, parallel with said centerline of Kirby Avenue, continuing along said northerly line of land conveyed to 12610 Kirby Avenue LLC as parcel no. 6, 253.01 feet to a point;

COURSE VII — Thence South 52° 33' 22" West, continuing along said northerly line of land conveyed to 12610 Kirby Avenue LLC, 20.55 feet to an iron pin set;

COURSE VIII — Thence North 30° 50' 50" West, 22.36 feet to the principal point of beginning and containing about 0.201 of an acre of land (8,759 sq. ft.) as surveyed and

described in April 2004 by James S. Davenport Ohio Professional Surveyor #7749 of Richard L. Bowen Associates.

Section 3. That the agreement authorized in this ordinance shall be prepared by the Director of Law.

Section 4. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchase and Supplies is authorized to acquire the property described in Section 1 of this ordinance for municipal purposes.

Section 5. That the Director of Public Utilities is authorized to execute on behalf of the City all necessary documents to acquire and convey the property described in Section 1 and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 6. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 2 to 12620 Kirby Avenue LLC, in exchange for the 12620 Kirby Avenue LLC property described in Section 1, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of an advertising sign or billboards, excepting permitted identification signs.

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

Passed March 21, 2005.

Effective March 22, 2005.

Ord. No. 226-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials to install a trash compactor for the West Side Market, including a pad, privacy wall, and landscaping, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials to install a trash compactor for the West Side Market, including a pad, privacy wall, and landscaping, to be purchased by the Commissioner of Purchases and Sup-

plies on a unit basis, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 67 SF 500, Request No. 151013.

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 March 21, 2005.

Effective March 22, 2005.

Ord. No. 227-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of property insurance for the Cleveland Brown's Stadium, for a period of one year with a one-year option to renew.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: property insurance for the Cleveland Brown's Stadium, for a gross price, for the Department of Parks, Recreation and Properties for a period of one year, with one (1) option exercisable by the Director of Parks, Recreation and Properties, to renew for an additional one-year term, and cancelable upon thirty days written notice by the director. The Directors of Finance and Parks, Recreation and Properties shall approach the Cleveland Brown organization as soon as practicable to seek or negotiate for a contribution for all or a portion of the costs of the insurance to be purchased under the authority of this ordinance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 67 SF 001, Request No. 120360.

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

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

Passed March 21, 2005.

Effective March 22, 2005.

Ord. No. 239-05.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contracts for medical and group dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits for City of Cleveland employees.

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 Personnel and Human Resources is authorized to enter into one or more contracts with Medical Mutual of Ohio, Medical Health Insuring Corporation of Ohio, Kaiser Permanente, and QualChoice, Inc. for group medical insurance; Medical Mutual of Ohio for the provision of group dental insurance; Union Eye Care for group vision insurance; Metropolitan Life Insurance Company for term life insurance coverage; and AFSCME for group vision insurance for the term of April 1, 2005 to March 31, 2006 on the basis of their proposals, all dated February 7, 2005.

Section 2. That the Director of Personnel and Human Resources is authorized to enter into one or more contracts with Medical Mutual Services, LLC to provide administrative services for flexible spending accounts for medical reimbursement, dependent care, and premium pass through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for the term of January 1, 2006 to December 31, 2006 on the basis of their proposal, dated February 7, 2005.

Section 3. That the contracts shall be prepared by the Director of Law and shall contain any conditions and provisions that the Director deems necessary to protect and benefit the public interest including terms related to which insurance coverage will cover employees consistent with the terms of the collective bargaining agreements ratified by the City, and the terms and conditions for transferring employees from one plan to another as collective bargaining agreements are ratified by the City.

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 March 21, 2005.

Effective March 22, 2005.

Ord. No. 267-05.

By Council Member Jackson (by departmental request).

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118718)

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

Passed March 21, 2005.

Effective March 22, 2005.

Ord. No. 269-05.

By Council Members O'Malley, Westbrook and Jackson (by departmental request).

An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons, and curbs, including adjustments of castings and landscaping, if necessary, along the public right-of-way on Woodhaven Avenue from West 63rd Street to Ridge Road, West 98th Street from Lorain Avenue to Walford Avenue and West 110th Street from Clifton Boulevard to Franklin Boulevard.

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 assessment of the cost and expense of relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) on Woodhaven Avenue from West 63rd Street to Ridge Road, West 98th Street from Lorain Avenue to Walford Avenue and West 110th Street from Clifton Boulevard to Franklin Boulevard (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 656-03, adopted April 14, 2003, as amended by Ordinance No. 1098-03, passed June 10, 2003, and amounting in the aggregate to \$583,403.93, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 269-05-A, is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement an assessment of fifty percent (50%) of the cost and expense of the Improvement, each of the several amounts reported as aforesaid, which assessments and the description of the lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council finds and determines that the revised assessments now on file in the office of the Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in five (5) annual installments. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

Section 5. That it is found and determined that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

Passed March 21, 2005.

Effective March 22, 2005.

Ord. No. 278-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of money from ParkWorks to rehabilitate Bump Taylor Field; determining the method of public improvement of rehabilitating Bump Taylor Field; authorizing the Director to lease the field from Cleveland Municipal School District, for a term of one hundred years, for recreation purposes; and to amend Section 3 of Ordinance No. 2151-03, passed December 15, 2003, as amended by Ordinance No. 1308-04, passed August 11, 2004, and by Ordinance No. 2365-04, passed January 24, 2005 relating to designing and constructing, rehabilitating, renovating, replacing or otherwise improving parks and recreation facilities, including site improvements.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to accept on behalf of the Department of Parks, Recreation and Properties a cash donation in the amount of \$200,000 from ParkWorks for the purpose of funding the public improvement of rehabilitating Bump Taylor Field, including the installation of artificial turf (the "Improvement").

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating Bump Taylor Field, including the installation of artificial turf, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 3. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is autho-

alized to lease from the Cleveland Municipal School District ("Lessee"), a portion of PPN#110-20-009, known as Bump Taylor Field, which is located in Forest Hills Park.

Section 5. That the term of the lease authorized shall not exceed one hundred years.

Section 6. That the rent for the lease authorized shall be a rental of \$1.00 per year (and other valuable considerations) which is determined to be fair market value.

Section 7. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing recreation.

Section 8. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 9. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the cash gift accepted under this ordinance from Park-Works and is appropriated for this purpose. The cost of the lease shall be paid from the fund or funds appropriated for this purpose.

Section 10. That the lease shall be prepared by the Director of Law.

Section 11. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 12. That Section 3 of Ordinance No. 2151-03, passed December 15, 2003, as amended by Ordinance No. 1308-04, passed August 11, 2004 and by Ordinance No. 2365-04, passed January 24, 2005, is amended to read as follows:

Section 3. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving City-owned parks and playgrounds; the portion of PPN #110-20-009 known as Bump Taylor Field, which the City is leasing from the Cleveland Municipal School District under the authority of Ordinance No. 278-05; and the property near Lonnie Burten Recreation Center, which the

City is leasing from the Cleveland Municipal School District under the authority of Ordinance No. 1308-04, including all site improvements and appurtenances necessary and incidental, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 13. That Section 3 of Ordinance No. 2151-03, passed December 15, 2003, as amended by Ordinance No. 1308-04, passed August 11, 2004, and by Ordinance No. 2365-04, passed January 24, 2005, is repealed.

Section 14. 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 March 21, 2005.
Effective March 22, 2005.

**Ord. No. 287-05.
Mayor Campbell.**

An emergency ordinance approving the collective bargaining agreement with the Service Employees International Union, District 1199, AFL-CIO; and amending Section 7 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ord. No. 1814-04, passed October 4, 2004, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Service Employees International Union, District 1199, AFL-CIO, under the terms contained in File No. 287-05-A, for the period from April 1, 2004 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, each member of the bargaining agreement will receive a separate payment in the amount of \$500.00 no later than May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 7 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ord. No. 1814-04, passed October 4, 2004, is amended to read as follows:

Section 7. Service Employees International Union, District 1199, AFL-CIO. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Custodial Worker.....	\$ 9.66	\$ 13.54
2. Window Washer.....	\$ 12.54	\$ 18.37
3. Bridge Oiler.....	\$ 9.66	\$ 16.33

Section 3. That existing Section 7 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ord. No. 1814-04, passed October 4, 2004, is repealed.

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 March 21, 2005.
Effective March 22, 2005.

Ord. No. 416-05.
By Council Members Lewis and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contracts with Ceridian Benefits Services, Inc. for professional services necessary to administer the City's COBRA program and HIPAA compliance.

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 Personnel and Human Resources is authorized to enter into one or more contracts with Ceridian Benefits Services, Inc. for professional services necessary to administer the City's COBRA program and HIPAA compliance on the basis of its proposal dated March 9, 2005, in the total sum of \$35,000, for the Department of Personnel and Human Resources. The contracts or contracts shall be paid from Fund No. 01-040201-632400, Request No. 107549.

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 March 21, 2005.
 Effective March 22, 2005.

Ord. No. 477-05.
By Council Member Britt.
An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Senior Outreach Services, Inc. for the Senior Outreach Services Health Promotion and Socialization Program through the use of Ward 6 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 the Department of Aging is authorized to enter into an agreement with Senior Outreach Services, Inc. for the Senior Outreach Services Health Promotion and Socialization Program for the public purpose of providing social support services for senior citizens residing in the City of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$26,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

Passed March 21, 2005.
 Effective March 22, 2005.

Ord. No. 478-05.
By Council Member Zone.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 1975-04, passed October 18, 2004 as it pertains to the Social Service Resource Inventory Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1975-04, passed October 18, 2004 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Catholic Charities Health & Human Services for the Social Service Resource Inventory Program through the use of Ward 17 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with Catholic Charities Health & Human Services for the Social Service Resource Inventory Program for the public purpose of determining the most effective means to connect needy Cleveland residents to the various social services agencies and programs through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1975-04, passed October 18, 2004 are hereby repealed.

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

Passed March 21, 2005.
 Effective March 22, 2005.

Ord. No. 487-05.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for 17th Annual Walk for Hunger, on May 7, 2005, sponsored by the Hunger Network of Greater Cleveland.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of 17th Annual Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland on May 7, 2005, with the Walk beginning at Burke Lakefront Airport and progressing to Erieside, around the Browns Stadium, south on West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on E. 9th to Huron, east on Huron to Euclid, west on Euclid back to E. 9th, north on E. 9th to Superior, west on Superior to Mall, cross through Mall to Lakeside, east on Lakeside to E. 9th, north on E. 9th to North Coast Harbor to the finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 21, 2005.
 Effective March 22, 2005.

Ord. No. 488-05.
By Council Member Lewis.
An emergency ordinance consenting and approving the issuance of a permit for the New Day in Hough Walk, Race and Parade, on May 14, 2005, sponsored by the New Day in Hough Committee.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of New Day in Hough Walk, Race and Parade on May 14, 2005, assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to E. 79th to Lexington, west on Lexington to E. 66th, south on E. 66th to Hough, east on Hough to Thurgood Marshall, and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall, west on Hough Avenue to E. 71st, north on E. 71st, to Linwood, east on Linwood to E. 79th, south on

E. 79th to Hough, east on Hough to Thurgood Marshall, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 21, 2005.
Effective March 22, 2005.

Ord. No. 489-05.
By Council Member Lewis.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the New Day in Hough Committee to stretch banners at the southeast and northeast corners of East 55th & Superior, Ansel & Hough and East 55th & Chester for the period from April 30, 2005 to May 15, 2005, inclusive, publicizing the New Day in Hough.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland,

Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the New Day in Hough Committee to install, maintain and remove banners at the southeast and northeast corners of East 55th & Superior, Ansel & Hough and East 55th & Chester for the period from April 30, 2005 to May 15, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed March 21, 2005.
Effective March 22, 2005.

COUNCIL COMMITTEE MEETINGS

Monday, March 28, 2005
9:30 a.m.

Public Parks, Property and Recreation Committee: Present: Johnson, Chair; Dolan, Jones, Sweeney. *Authorized Absence:* White, Vice Chair; Cimperman, Rybka. *Pro-tempore:* Polensek.

11:00 a.m.

Public Service Committee: Present: Sweeney, Chair; Jones, Vice Chair; Polensek, White, Zone, Brady, Johnson. *Authorized Absence:* O'Malley, Cimperman.

1:00 p.m.

Joint/City Planning Committee, Public Service Committee and Finance Committee: Present in Planning: Cimperman, Chair; Conwell, Lewis. *Authorized Absence:* Rybka, Vice Chair; O'Malley, Pierce Scott, Westbrook. *Pro-tempore:* Zone, Coats, Britt.

Present in Service: Sweeney, Chair; Jones, Vice Chair; White, Zone, Cimperman, Brady. *Authorized Absence:* Polensek, O'Malley, Johnson. *Pro-tempore:* Britt.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, Reed, White. *Authorized Absence:* O'Malley, Pierce Scott, Westbrook. *Pro-tempore:* Lewis, Zone.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Reed, Gordon, White. *Authorized Absence:* O'Malley, Pierce Scott, Westbrook. *Pro-tempore:* Lewis, Zone, Polensek.

Wednesday, March 30, 2005
1:00 p.m.

Mayor's Appointment Committee: Present: Coats, Chair; Reed, Pierce Scott. *Authorized Absence:* Westbrook, Cintron.

1:30 p.m.

Public Utilities Committee: Present: Coats, Chair; Brady, Jones, Polensek, Sweeney. *Authorized Absence:* O'Malley, Vice Chair; Zone, Westbrook, Cintron.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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