

The City Record

Official Publication of the Council of the City of Cleveland



April the Twenty-Eighth, Two Thousand and Four

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

The City Record is available online at
www.clevelandcitycouncil.org

Containing	PAGE
City Council	3
The Calendar	26
Board of Control	26
Civil Service	29
Board of Zoning Appeals	29
Board of Building Standards and Building Appeals	31
Public Notice	32
Public Hearings	32
City of Cleveland Bids	32
Adopted Resolutions and Ordinances	37
Committee Meetings	49
Index	49

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	3760 East 126th Street	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	774 East 131st Street	44108
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
Debra M. Janik, Chief of Staff
Darnell Brown, Chief Operating Officer
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Galen L. Schuerlein, Executive Assistant
_____, 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 – Subodh Chandra, Director, Teresa Beasley, 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 – James S. Higgins, Commissioner, 1404 East 9th Street
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, 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 – Julius Ciaccia, Jr., 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 – _____, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting 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 – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Edward F. Lohm, 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 – _____, 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; Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, _____, 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 Subodh Chandra, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director Michael G. Konicek; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, 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 Subodh Chandra; 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 Baulknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorik, 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 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; 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 Mary Eileen Kilbane	14C
Judge Anita Laster Mays	12C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	12A
Judge Robert J. Trozzi	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. 91

WEDNESDAY, APRIL 28, 2004

No. 4716

CITY COUNCIL

MONDAY, APRIL 26, 2004

The City Record

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

The City Record is available
online at

www.clevelandcitycouncil.org

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, Scott, Westbrook, White.

TUESDAY

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

TUESDAY—Alternating

1:00 P.M. — **Health & Human Services Committee:** Britt, Chairman; Zone, Vice Chairman; Cintron, Conwell, Gordon, Scott, Polensek.

1:30 P.M. — **Legislation Committee:** White, Chairman; 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, 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, Scott.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, April 26, 2004

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

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Mayor Campbell, Chief of Staff Janik, Chief Operating Officer Brown, Director Chandra, Chief Assistant Director of Law Langhenry, Directors Konicek, Ricchiuto, Watson, N. Ronayne, Rush, Williams, Routen, Fumich, Johnson, and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Nate Ortiz of Calvary Pentecostal Church, located at 2536 West 14th Street in Ward 13. Pledge of Allegiance.

MOTION

On the motion of Council Member Johnson the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member O'Malley.

COMMUNICATIONS

File No. 727-04.

From State Representative Dale Miller — Letter receipt of Resolution No. 358-04. Received.

File No. 728-04.

From the City of Indianapolis, Mayor Bart Peterson — Letter receipt of Resolution No. 246-04. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 729-04.

Re: New Application — 9116359 — Siham Hamdan d.b.a. 2 T. S. Beverage, 4497 State Road. (Ward 16). Received.

File No. 730-04.

Re: New Application — 38219180005 — John W. Hickey d.b.a. C. B. Take Out, 1672 Center Street. (Ward 13). Received.

File No. 731-04.

Re: Transfer of Ownership Application — 62458690010 — Murphy's Law, Inc. d.b.a. Murphy's Law, 5303 Memphis Avenue, first floor and basement. (Ward 16). Received.

File No. 732-04.

Re: Transfer of Ownership Application — 69615160010 — Playhouse Square Foundation, 2037 East 14th Street, first floor. (Ward 13). Received.

File No. 734-04.

Re: Transfer of Ownership Application — 4424877 — K. B. S. Oil, Inc. d.b.a. Uncle Sam's Beverage & Deli, 11022 Bellaire Road, first floor. (Ward 19). Received.

STATEMENT OF WORK ACCEPTED

File No. 733-04.

From the Department of Public Utilities — Contract 61278, Utilicon Corporation for Cleaning and Lining 2003-Area B, completed and accepted April 14, 2004. Received.

PLATS

File No. 669-04.

Subdivision Plat for St. Luke's Redevelopment, Phase 1.

Approved by Committees on Public Service and City Planning. Without objection. Plat approved.

File No. 670-04.

Dedication Plat of Cleveland Parkway S.W.

Approved by Committees on Public Service and City Planning. Without objection, Plat approved.

CONDOLENCE RESOLUTIONS

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

Res. No. 735-04—Johnnie Mae Joiner.

Res. No. 736-04—Arthur J. Naparstek.

Res. No. 737-04—John F. Stafford.

Res. No. 738-04—Giovanna Constanzo.

Res. No. 739-04—Charles Columbo.

Res. No. 740-04—Pat Tillman.

CONGRATULATION RESOLUTIONS

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

Res. No. 741-04—Rev. Tyrone F. Davis.

Res. No. 742-04—Arielle Moss.

Res. No. 743-04—Ronald Moss.

Res. No. 744-04—Syretta Stevenson.

Res. No. 745-04—Martineja Coats.

Res. No. 746-04—Roosevelt Coats, Jr.

Res. No. 747-04—Timothy Flynt.

Res. No. 748-04—Father Patrick Henry.

Res. No. 749-04—Herbert Lehmann & Bob Princic.

Res. No. 750-04—John Sheridan.

Res. No. 751-04—John Shinsky, Ph.D.

Res. No. 752-04—Sister Angela Marie Waldron.

RECOGNITION RESOLUTION

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

Res. No. 753-04—Joseph DeJarnette, Jr.

APPRECIATION RESOLUTION

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

Res. No. 754-04—Rev. Dr. Henry J. Payden, Sr.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 690-04.**

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 one 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 104786)

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. 691-04.

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

An emergency ordinance determining the method of making the public improvement of installing and constructing backup electric generation at various buildings and facilities of the Division of Water; authorizing the Director of Public Utilities to enter into one or more contracts for the making of the improvement; authorizing one or more contracts for professional services necessary to make the improvement; authorizing one or more contracts for the purchase, rental, or lease of equipment, materials, and supplies necessary for the improvement; and authorizing the acquisition of interests in real property necessary for the improvement.

Whereas, the City of Cleveland's Division of Water was forced to interrupt service to customers during the blackout of August 14, 2003; and

Whereas, the Division of Water desires to eliminate its reliance on other utilities and the national transmission grid by installing backup electric generators at key facilities throughout the water system as soon as possible; and

Whereas, because of the expedited timetable, the necessity to coordinate design and construction at multiple locations, and the complexities in obtaining environmental permitting and zoning compliance in the various municipalities, it is efficient and cost-effective to construct the project under a single contract for both design and construction; 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, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of installing and constructing back-up electric generation at various buildings and operations and production facilities of the Division of Water, including the installation of enclosures, electrical equipment and connections, safety equipment, and other related installations necessary to continue the operation of the water system during power shortages (the "Improvement"), 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 for a gross price for the Improvement. The Improvement may include modifications to the electric system of Cleveland Public Power to enable it to provide back-up electric service to the Division of Water.

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

Section 3. That 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 Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the Improvement, including but not limited to the design, construction management, permitting and other regulatory compliance, operation, and maintenance of the Improvement or its components authorized by this ordinance. The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 5. That, notwithstanding and as an exception to Chapters 181 and 185 of the Codified Ordinances of Cleveland, 1976, the Commissioner of Purchases and Supplies may solicit bids for a single contract that may include the design, installation, construction, operation, and mainte-

nance of the Improvement, and the provision of goods and services described in Sections 4, 6, and 7 of this ordinance. The bidders' conformance to specifications for design services and other professional services shall be a factor in determining the lowest responsible bidder.

Section 6. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: equipment, labor and/or materials, supplies, and other items and services necessary to construct, operate, and maintain the Improvement, which are not otherwise purchased or procured through the authority in Section 7 of this ordinance, to be purchased, procured, leased, or rented by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

Section 7. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of equipment, labor and/or materials, supplies, and other items and services necessary to construct, operate, and maintain the Improvement, to be purchased, procured, leased, or rented by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The 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 purchases and procurements, which purchases and procurements, together with all subsequent purchases and procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts duly certified by the Director of Finance.

Section 8. That the Director of Public Utilities is authorized to make a written contract under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for one water tanker truck to be purchased, procured, leased, or rented by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

Section 9. That under Section 108(b) of the Charter, the purchases and procurements authorized by this ordinance may be made through cooperative agreements using state procedures. The Director Public Utilities of may sign all documents with the State of Ohio or any of its political subdivisions that are necessary

to make the purchases and procurements, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 10. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, 1976, the Commissioner of Purchases and Supplies is authorized to purchase, lease, or otherwise acquire easements, fee interests, licenses, permits, and other rights or interests in real property necessary for the Improvement.

Section 11. That the Director of Public Utilities is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such rights or interests in real property necessary for the Improvement and to employ title companies, surveyors, escrow agents, appraisers, and environmental consultants necessary for the acquisition or use of the rights or interests in real property authorized by this ordinance.

Section 12. That the Director of Public Utilities is authorized to enter into agreements with the holders of such rights or interests in real property to relocate or otherwise to modify existing buildings, equipment, fixtures or other features of such property and to pay or reimburse related costs to permit the making of the Improvement.

Section 13. That the Director of Public Utilities is authorized to apply, pay for, and execute such permits and licenses required by any regulatory entity or other public authority for making and operating the Improvement.

Section 14. That the Director of Public Utilities is authorized to enter into such agreements and to apply, pay for, and execute such permits and other documents as may be necessary to permit the sale of the power generated by the Improvement whenever the power is not needed by the Division of Water. The Director of Public Utilities may enter into agreements to sell such power on terms and conditions that are approved by the Director of Law, and at such rates as the Director of Public Utilities deems most beneficial to the City.

Section 15. That the cost of the contracts, real property transactions, permits, licenses, and agreements authorized by this ordinance shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, from the fund or funds to which are credited the proceeds of any grant or loans for the above Improvement, and the sale of future waterworks revenue bonds issued for the purpose that includes the Improvement. (RL 148070)

Section 16. 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. 692-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test and dispose of hazardous and non-hazardous waste and materials, including asbestos assessment and removal, for the Divisions of Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to test and dispose of hazardous and non-hazardous waste and materials, including asbestos assessment and removal, 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 Divisions of Cleveland Public Power and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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 153120)

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

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

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

Ord. No. 693-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed security guard services, for the various divisions of the Department of Port Control, for a period of one year with one 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 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 unarmed security guard services in the approximate amount as purchased during the preceding term, for a period of one year, with one option to renew for an additional one-year period, exercisable by the Director of Port Control, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 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 146057)

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

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

Ord. No. 694-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Tyco Simplex-Grinnell for labor and materials necessary to maintain, repair, and expand the computerized facility management system, for the Department of Port Control, for a period not to exceed three years.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Tyco Simplex-Grinnell. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts with Tyco Simplex-Grinnell under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed three years for labor and materials necessary to maintain, repair, and expand the computerized facility management system, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control.

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 146058)

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

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

Ord. No. 695-04.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide the response, evaluation, handling, and disposal of emergency spills at Cleveland Hopkins International and Burke Lakefront Airports.

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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide the response, evaluation, handling, and disposal of emergency spills at Cleveland Hopkins International and Burke Lakefront Airports.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to

be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 146050.

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

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

Ord. No. 696-04.
By Council Members Westbrook, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.18, relating to loaned United States government property located at Cleveland Hopkins International and Burke Lakefront Airports.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 139.18 to read as follows:

Section 139.18 Loaned United States Government Property

The Director of Port Control is authorized to enter into agreements with the United States of America to accept and maintain various property on loan from the United States of America and located at Cleveland Hopkins International and Burke Lakefront airports, subject to terms and conditions that are acceptable to the Director of Law.

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Legislation, Finance.

Ord. No. 697-04.
By Council Members Britt, White and Jackson (by departmental request).

An emergency ordinance to amend Sections 209.02, 209.03, 209.04 and 209.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1017-97, passed June 16, 1997, relating to property nuisances.

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

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

Section 1. That Sections 209.02, 209.03, 209.04 and 209.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1017-97, passed June 16, 1997, are amended to read as follows:

Section 209.02 Notice Regarding Care of Vacant Lots

(a) At least annually, the Commissioner of Environment shall cause a notice to be mailed to the last known address of the owner of each vacant parcel of land, or shall publish a notice in a newspaper of general circulation, advising owners, operators, and persons in possession or control of vacant parcels of the requirements of this Chapter regarding the care of property.

(b) The notice shall describe each of the nuisances found in Section 209.01 and shall state that one or more of the following may occur beginning 30 days after the notice is mailed or published:

(1) That, if any nuisances found on a vacant parcel are not removed or otherwise abated, the Department of Parks, Recreation, and Properties may take any action necessary to abate the nuisance, and that the owner will be billed for all costs of the abatement.

(2) That other civil or criminal legal actions may be filed by the Commissioner of Environment to enforce nuisance violations, without additional notice.

(3) That the owner may appeal the general notice to the Commissioner of Environment.

Section 209.03 Powers of the Commissioner Regarding Vacant Lots

Upon the finding of any nuisance described in this Chapter on a vacant parcel of land, the Commissioner of Environment may do one or more of the following:

(a) Request that the Department of Parks, Recreation, and Properties immediately abate the nuisance without further notice, and bill the owner for the costs of any abatement.

(b) Order the owner, operator, or person in possession or control of the property to abate the nuisance, giving a timeframe for compliance. If the abatement does not occur within the stated timeframe or if the action taken does not completely abate the nuisance, the Commissioner may request the Department of Parks, Recreation, and Properties to abate the nuisance and bill the owner for the costs of any abatement.

(c) Order the owner, operator, or person in possession or control of the property to install and maintain fencing or another similar barrier, in such a manner that the nuisance will be abated or will be kept from re-occurring.

(d) Pursue any civil or criminal legal actions that may be necessary for the protection of the public health, safety, or welfare.

Section 209.04 Powers of the Commissioner Regarding All Other Property

Upon the finding of any nuisance described in this Chapter on a parcel of land that has a building or other structure on it, the Commissioner of Environment may do one or more of the following:

(a) If the nuisance represents an imminent threat to the public

health, request that the Department of Parks, Recreation, and Properties immediately abate the nuisance without further notice, and bill the owner for the costs of any abatement.

(b) Order the owner, operator, or person in possession or control of the property to abate the nuisance, giving a timeframe for compliance. If the abatement does not occur within the stated timeframe or if the action taken does not completely abate the nuisance, the Commissioner may request the Department of Parks, Recreation, and Properties to abate the nuisance and bill the owner for the costs of any abatement.

(c) Order the owner, operator, or person in possession or control of the property to install and maintain fencing or another similar barrier, in such a manner that the nuisance will be abated or will be kept from re-occurring.

(d) Pursue any civil or criminal legal actions that may be necessary for the protection of the public health, safety, or welfare.

Section 209.99 Enforcement; penalties

(a) This Chapter may be enforced through civil or criminal legal proceedings. These remedies are in addition to any right the City may have under this Chapter to abate a nuisance and to recover the costs of the abatement.

(b) No person shall fail to comply with the notice issued under Section 209.03(a)(3). Whoever fails to comply with this division (b) is guilty of a misdemeanor of the first degree.

(c) A violation of any other part of this Chapter shall be a minor misdemeanor.

(d) In addition to any other method of enforcement provided in this Chapter, this Chapter may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

Section 2. That existing Sections 209.02, 209.03, 209.04 and 209.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1017-97, passed June 16, 1997, are repealed.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

**Ord. No. 698-04.
By Council Members Reed and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Radio Satellite Integrators for the purchase of warranty services on the Automatic Vehicle Locator System equipped in vehicles in the Division of Emergency Medical Service, Department of Public Safety, for a period of two years.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Radio Satellite Integrators. Therefore the Director of Public Safety is authorized to make one or more written contracts with Radio Satellite Integrators, for warranty services on the Automatic Vehicle Locator System equipped in vehicles in the Division of Emergency Medical Service, to be purchased by the Commissioner of Purchases and Supplies, for a gross price for the Division of Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600401-661200, Request No. 128929.

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

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

**Ord. No. 699-04.
By Council Members Johnson and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of hardware, software, training, and other items that are necessary to operate an electronic booking system, for the Department of Parks, Recreation and Properties.

Whereas, the Convention and Visitors Bureau of Greater Cleveland has indicated a desire to make a gift of hardware, software, training, and other items that are necessary to operate an electronic booking system, valued in excess of \$10,000, to the Department of Parks, Recreation and Properties; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to accept on behalf of the Department of Parks, Recreation and Properties hardware, software, training, and other items that are necessary to operate an electronic booking system, valued in excess of \$10,000, from the Convention and Visitors Bureau of Greater Cleveland.

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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 701-04.
By Council Members Gordon, Sweeney, Johnson, Coats and Jackson (by departmental request).

An emergency ordinance determining the method of making various public improvements as authorized by the Year 30 Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract or contracts for the making of the various public 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, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, tree planting, road side beautification, and all other street improvements in each of the districts established by the Director of Community Development for the Division of Engineering and Construction, Department of Public Service, by contract or contracts duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 2. That the Directors of Public Service and Community Development are authorized to enter into contract or contracts for the making of the public improvement set forth in Section 1 with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract on a unit basis.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, resurfacing, grading, curbing, catch basins, sidewalks, handicap ramps, reconstructing tree lawns, and other street improvements in each of the districts established by the Director of Community Development for the Divisions of Streets and Engineering and Construction, Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of the improvement, with a separate accounting as to each improvement so made.

Section 4. That the Directors of Public Service and Community Development are authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 3, including the rental of necessary equipment, to be purchased by the Com-

missioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Service.

Section 5. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, and recreation areas, including the installation of lighting, signs, streetscapes and related improvements, in each of the districts established by the Director of Community Development for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract or contracts duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 6. That the Directors of Parks, Recreation and Properties and Community Development are authorized to enter into one or more contracts for the making of the public improvement set forth in Section 5 with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or component may be the subject of a separate contract on a unit basis.

Section 7. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, community centers, senior citizens' centers, recreation centers, and recreation areas in each of the districts established by the Director of Community Development for the Division of Maintenance, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of the improvement, with a separate accounting as to each improvement so made.

Section 8. That the Directors of Parks, Recreation and Properties and Community Development are authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 7, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Maintenance, Department of Parks, Recreation and Properties.

Section 9. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, and rehabilitating retention basins, culverts, sewers, catch basins, manholes and appurtenances, in each of the districts established by the Director of Community Development for the Division of Water Pollution Control, Department of Public Utilities, by contract or contracts duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 10. That the Directors of Public Utilities and Community Development are authorized to enter

into one or more contracts for the making of the public improvement set forth in Section 9 with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided however that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract on a unit basis.

Section 11. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by contract or contracts duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 12. That the Directors of Public Utilities and Community Development are authorized to enter into one or more contracts for the making of the public improvement set forth in Section 11 with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided however that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract on a unit basis.

Section 13. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of the improvement, with a separate accounting as to each improvement so made.

Section 14. That the Directors of Public Utilities and Community Development are authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 13, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Light and Power, Department of Public Utilities.

Section 15. That the Directors of Parks, Recreation and Properties and Community Development are authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furnish and plant trees in the Community Development Block Grant areas established by the Director of Community Development, for the Division of Parks Maintenance, Department of Parks, Recreation and Properties.

Section 16. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, and rehabilitating

swimming pools, recreation, community, and senior citizens' centers, including the installation of signs, in the Community Development Block Grant districts established by the Director of Community Development for the Division of Architecture, Department of Public Service, by contract or contracts duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 17. That the Directors of Public Service and Community Development are authorized to enter into one or more contracts for the making of the improvement set forth in Section 16 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of the improvement.

Section 18. That the Directors of Public Service and Community Development are authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio 1976, for each or all of the items comprising the necessary supplies, equipment, and materials for the improvement set forth in Section 16, including the installation and the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Architecture, Department of Public Service.

Section 19. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement for the Division of Engineering and Construction, Department of Public Service. That the Directors of Public Service and Community Development are authorized to make one or more written requirement contracts with the lowest responsible bidders after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 20. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of resurfacing, constructing, reconstructing, grad-

ing, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidders after competitive bidding on a unit basis for the improvement for the Division of Streets, Department of Public Service. That the Directors of Public Service and Community Development are authorized to make one or more written requirement contracts with the lowest bidders after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 21. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidders after competitive bidding on a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are authorized to make one or more written requirement contracts with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 22. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidders after competitive bidding on a unit basis for the improvement for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Communi-

ty Development are authorized to make one or more written requirement contracts with the lowest responsible bidders after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 23. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, and rehabilitating of retention basins, culverts, sewers, catch basins, manholes and their appurtenances, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidders after competitive bidding on a unit basis for the improvement for the Division of Water Pollution Control, Department of Public Utilities. That the Director of Public Utilities and Community Development are authorized to make one or more written requirement contracts with the lowest responsible bidders after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 24. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing sidewalks, handicap ramps, curbing and reconstructing treelawns in areas of the City of Cleveland determined eligible by the Directors of Community Development and Public Service. The Directors of Community Development and Public Service are authorized to enter into one or more public improvement requirement contracts with the lowest bidder after advertising for all such work during the period ending December 31, 2005, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 25. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, rehabilitating, and installing streets, parking lots, recreation area lighting and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidders after competitive bidding on a unit basis for the improvement for the Division of Light and Power, Department of Public Utilities. That the Directors of Public Utilities and Community Development are authorized to make one or more

written requirement contracts with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 26. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of planting trees and installing accessories in the various Community Development Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidders after competitive bidding on a unit basis for the improvement for the Division of Parks and Urban Forestry, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are authorized to make one or more written requirement contracts with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 27. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings, including the installation of signs, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more contracts let to the lowest responsible bidders after competitive bidding for a gross price for the improvement.

Section 28. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are authorized to enter into one or more contracts for the making of the public improvement set forth in Section 27 with the lowest responsible bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said directors the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of the improvement.

Section 29. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are authorized to make one or more written contracts in

accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture and equipment to be utilized in conjunction with the making of the public improvement authorized in Section 27 above.

Section 30. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings in the various Community Development Block Grant eligible areas, including the installation of recreational equipment, exclusive from any work to be performed under any other section of this or any other ordinance, by one or more public improvement requirement contracts duly let to the lowest responsible bidders after competitive bidding on a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Director of Parks, Recreation and Properties and Community Development are authorized to make one or more written requirement contracts with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2005, on a unit basis, the unit prices for which shall include all labor, material and equipment required, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 31. That the Directors of Public Service, Parks, Recreation and Properties, Public Utilities and Community Development are authorized to employ by contract or contracts one or more architectural or engineering consultants or one or more firms of architectural or engineering consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare plans and specifications for and to oversee the public improvements authorized by the various sections of this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the director or directors authorized to enter into the contract or contracts for the making of the public improvement from a list of qualified consultants available for employment as may be determined after a full and complete canvass for the purpose of compiling such a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, and certified by the Director of Finance.

Section 32. That the Director of Finance shall certify the contracts authorized by Sections 19 through 26, inclusive, and Section 30 of this ordinance in the amount set forth in the initial requisition and thereafter he shall certify all orders placed by the Commissioner of Purchases and Supplies under the requisition issued against any such contract.

Section 33. That the costs of the improvements or contracts authorized shall be paid from Fund Nos.

14 SF 027, 14 SF 028, 14 SF 029, and 14 SF 030.

Section 34. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Community Development, Public Service, Parks, Recreation and Properties, Public Utilities, Finance, Law; Committees on Community and Economic Development, Public Service, Public Parks, Property and Recreation, Public Utilities, Finance.

Ord. No. 702-04.

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

An emergency ordinance appropriating Community Development Block Grant and NEF Administrative Cost funds for administrative expenses of the Department of Community Development.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30 from the United States Government; and

Whereas, City Council has designated administrative processing costs from Neighborhood Equity Funds; 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 Community Development Block Grant and NEF Administrative Cost funds in the amount of \$3,038,000 from Fund Nos. 14 SF 030 and 10 SF 808 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$2,583,000
Other	455,000

Section 2. The Director of Community Development is authorized to expend funds listed in the above Schedule under 'Other' for the cost of activities related to the promotion of various housing events in the City of Cleveland.

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

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

Ord. No. 703-04.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition and Board-up Programs; and authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs.

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 Community Development Block Grant funds in the amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000) from Fund No. 14 SF 030, Request No. 125760, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 13 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies, and entities providing services necessary to implement the Demolition and Board-up Programs.

Section 3. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 704-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into agreements with Storefront Renovation Program applicants, and to enter into agreements to reimburse eligible administrative costs to community development corporations for implementation of the Storefront Renovation Program.

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

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

Section 1. That the Director of Community Development is authorized to enter into agreements with Storefront Renovation Program applicants, and to enter into agreements to reimburse eligible administrative costs to community development corporations for implementation of the Storefront Renovation Program. The agreements shall not exceed \$1,139,500.00 and shall be paid from Fund No. 14 SF 030, Request Nos. 125759.

Section 2. That the Director of Community Development is authorized to accept program income monies in repayment from local development corporations under the Storefront Renovation Program and to utilize this program income, other Community Development Block Grant program income and Kiosk program income in a revolving fund

for additional expenditures under the Storefront Renovation Program, and such program income is hereby appropriated for that purpose.

Section 3. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans, costs and fees under the City's Storefront Renovation Program.

Section 4. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Storefront Renovation Program.

Section 5. That the Director of Community Development is authorized to collect from persons or entities with whom the City is entering into loan agreements or forbearance agreements an amount equal to any amount spent for services related to such agreements, such as title searches, credit bureau reports and document filing fees. Such fees shall be deposited into Fund No. 14.

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 the after the earliest period allowed by law.

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

Ord. No. 705-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30 from the United States Government; and

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

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

Section 1. That Community Development Block Grant funds in the amount of \$521,000, from Fund Nos. 14 SF 027 and 14 SF 030, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program incurred in Fund 13 following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 706-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with various agencies to implement the Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30, from the United States Government; and

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

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

Section 1. That Community Development Block Grant funds in the amount of Eight Hundred Ten Thousand Dollars (\$810,000) from Fund Nos. 14 SF 030 and 14 SF 027, Request No. 125761, are appropriated for costs of the Department of Parks, Recreation and Properties incurred from Fund 13 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

Section 3. That prior to expending funds under this ordinance, the Director of Parks, Recreation and Properties and the Director of Community Development shall enter into a memorandum of understanding for this program.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 707-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Fair Housing Program; and authorizing the Director of Community Relations to enter into one or more contracts with various agencies to implement this program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30, from the United States Government; and

Whereas, this ordinance consti-

tutes 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 Community Development Block Grant funds in the amount of One Hundred Fifteen Thousand Dollars (\$115,000) from Fund Nos. 14 SF 029 and 14 SF 030, Request No. 125762, are appropriated for costs of the Department of Community Relations incurred in Fund 13 following the appropriate federal regulations associated with conducting the Fair Housing Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Community Relations is authorized to enter into one or more contracts with various non-profit and for-profit agencies providing services necessary to implement the Fair Housing Program.

Section 3. That prior to expending funds under this ordinance, the Director of Community Relations and the Director of Community Development shall enter into a memorandum of understanding for this program.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 708-04.

By Council Member Cimperman.

An emergency ordinance establishing the Ohio City Historic District (Map Change No. 2117, Sheet No. 1) and Repealing Ordinance No. 523-81 Passed June 21, 1982.

Whereas, the Cleveland Landmarks Commission (the "Commission") under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Franklin Circle Historic District as a landmark; and

Whereas, the Cleveland City Council adopted Ordinance 523-81 on June 21, 1982, establishing the Franklin Circle Historic District; and

Whereas, the Commission has proposed the expansion of the boundaries of the Franklin Circle Historic District established by Ordinance 523-81; and

Whereas, "Ohio City" is the name historically and commonly associated with the area represented by the proposed historic district and is therefore a more appropriate name for the historic district; 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 December 4, 2003 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 centerline of Vine Court; thence Southwesterly along the centerline of said Vine Court to its intersection with the centerline of West 48th Street; thence Southerly along the centerline of said West 48th Street to its intersection with the Easterly prolongation of the Southerly line of Sublot Number 57 in the Jacob Perkins Allotment as shown by the recorded plat in Volume 1 page 19 of Cuyahoga County records; thence Westerly along the Easterly prolongation and Southerly line of said Sublot number 57 to its intersection with the Northerly line of Sublot number 102 in the Dudley Baldwin Subdivision as shown by the recorded plat in Volume 4 page 11 of Cuyahoga County records;

thence Westerly along the Northerly line of Sublot numbers 102, 103, 104 and 120 in said Baldwin Subdivision and the Westerly prolongation thereof to its intersection with the centerline of West 50th Street; thence Southerly along the centerline of said 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 Northwesterly 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 Ran-

dall 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 recorded in the AFN 00348567 on Oct. 1, 1996 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 in Volume 89-33210 page 51 of Cuyahoga County deed records 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. 523-81 passed June 21, 1982 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.

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

Ord. No. 709-04.

By Council Member Cimperman. An emergency ordinance establishing the Warehouse Historic District (Map Change No. 2118, Sheet No. 1) and Repealing Ordinance No. 2705-81, Passed June 21, 1982.

Whereas, the Cleveland Landmarks Commission (the "Commission") under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Warehouse Historic District as a landmark; and

Whereas, the Cleveland City Council adopted Ordinance 2705-81 on June 21, 1982, establishing the Warehouse Historic District; and

Whereas, the Commission has proposed the expansion of the boundaries of the Warehouse Historic District established by Ordinance 2705-81; and

Whereas, the Commission has determined that the character, interest, and value of the proposed Warehouse Historic District is part of the development, heritage, and cultural characteristics of the City of Cleveland; and

Whereas, the proposed Warehouse Historic District is identified with persons who significantly contributed to the culture and development of the city of Cleveland; and

Whereas, the proposed Warehouse Historic District exemplifies the cultural, economic, social, and historic heritage of the City of Cleveland; and

Whereas, the proposed Warehouse 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 Warehouse 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 February 12, 2004 to discuss the proposed expansion of the Warehouse Historic District; and

Whereas, the Commission has recommended designation of the Warehouse 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 hereby designated the Warehouse Historic District:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being bounded and described as follows:

Beginning at the centerline of West 10th Street (50 feet wide) at its intersection with the centerline of Superior Avenue, N. W. (152 feet wide); thence Northwesterly along the centerline of said West 10th Street to a point at its intersection with the centerline of Front Avenue, N. W. (80 feet wide); thence Northeasterly along the centerline of said Front Avenue, N. W. (and the portion now vacated) to the centerline of West 3rd Street (99 feet wide); thence Southeasterly along the centerline of West 3rd Street to a point at its intersection with the centerline of Superior Avenue, N. W. (152 feet wide); thence Southwesterly along the centerline of said Superior Avenue, N. W., to a point at its intersection with the centerline of West 10th Street, and the place of beginning.

Section 2. That the Warehouse 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 pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 3. That the designation of the area described above as the Warehouse 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 attached map shall be available for public inspection in the office of the Cleveland Landmarks Commission. Ordinance No. 2705-81 passed June 21, 1982 is repealed.

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.

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

Ord. No. 710-04.**By Council Member Lewis.**

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1510-03, passed October 27, 2003, relating to the sale of real property as part of the Land Reutilization Program and located on Superior and Giddings Avenue to 6920 Superior LLC.

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

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

Section 1. That the title and Sections 1 and 2 of Ordinance No. 1510-03, passed October 27, 2003, are amended to read as follows:

An emergency ordinance authorizing the sale of real property as part of the Land reutilization Program and located at **Superior and Giddings Avenue to 6920 Superior LLC.**

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-02-008 **and the most westerly part of 106-02-010,** as more fully described below, to 6920 Superior LLC.

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

P. P. No. 106-02-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 100 feet of Sublot No. 15 in Henry Keller Allotment of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 20 of Maps, Page 18 of Cuyahoga County Records, and forming a parcel of land 50 feet front on the Southerly side of Superior Avenue (formerly Superior Street) and extending back between parallel lines 100 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-02-010

(most Westerly part of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 50 feet of Sublot No. 15 in Henry Keller's Allotment of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 20 of Maps, Page 18 of Cuyahoga County Records, bounded and described as follows:

Beginning at the Southwesterly corner of said Sublot No. 15, thence Easterly along the Southerly line of said Sublot No. 15, 50 feet to the Southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot No. 15, 50 feet, thence Westerly on a line parallel with said Northerly line of said Sublot No. 15, 50 feet to the Westerly line of said Sublot No. 15, thence Southerly along the Westerly line of said Sublot No. 15, 50 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the existing title and Sections 1 and 2 of Ordinance No. 1510-03, passed October 27, 2003, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

Ord. No. 711-04.**By Council Member Zone.**

An emergency ordinance to amend Section 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, relating to reducing the concentration of alcohol necessary to convict a person of Driving While Under the Influence of Alcohol or Drugs.

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

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

Section 1. That Section 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, is amended to read as follows:

Section 433.01 Driving While Under the Influence of Alcohol or Drugs; Tests; Presumptions; Penalties

(a) No person shall operate any vehicle, streetcar, or trackless trolley within this City, if, at the time of the operation, any of the following apply:

(1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(2) The person has a concentration of **eight-hundredths** of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(3) The person has a concentration of **ninety-six thousandths** of one percent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(4) The person has a concentration of **eight-hundredths** of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(5) The person has a concentration of **eleven-hundredths** of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(6) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.

(7) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(8) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

(9) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

(b) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this City, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than **eight-hundredths** of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than **ninety-six thousandths** of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than **eight-hundredths** of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than **eleven-hundredths** of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(c) In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1) and a violation of division (b)(1), (2), or (3) of this section, but the person may not be convicted of more than one violation of these divisions.

(d) (1) In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section or for an equivalent offense, the court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within two hours of the time of the alleged violation. When a person submits to a blood test at the request of a law enforcement officer under Section 4511.191 of the Revised Code, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director pursuant to Section 3701.143 of the Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (a) of this section or for an equivalent offense, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in divisions (a)(2), (3), (4), and (5) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (b) of this

section or for an equivalent offense that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. The person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. The form to be read to the person to be tested, as required under Section 4511.192 of the Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) A. As used in divisions (d)(4)B. and C. of this section, "national highway traffic safety administration" means the national highway traffic safety administration established as an administration of the United States department of transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

B. In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under division (d)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C. Division (d) (4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (d)(4)B. of this section.

(e)(1) Subject to division (e)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (a)(2), (3), (4), (5), (6), (7), (8), or (9) or (b)(1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any forensic laboratory certified by the Ohio Department of Health that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

A. The signature, under oath, of any person who performed the analysis;

B. Any findings as to the identity and quantity of alcohol, a drug of abuse, or a combination of them that was found;

C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Ohio Department of Health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (e)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (e)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(f) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability and civil liability as provided in Section 4511.19(F) of the Revised Code.

(g) (1) Whoever violates any provision of divisions (a)(1) to (9) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. The court shall sentence the offender under this section

unless the offense constitutes a felony under the laws of the State of Ohio, in which case this section shall not apply, and except as otherwise authorized or required by divisions (g)(1)A. to E. of this section:

A. Except as otherwise provided in division (g)(1)B., C., D., or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of division (a)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months. The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Section 2929.25 of the Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The Court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793 of the Revised Code by the Director of Alcohol and Drug Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

2. If the sentence is being imposed for a violation of division (a)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Section 3793.10 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sen-

tence the offender to a mandatory jail term of at least six consecutive days. The court may require the offender, under a community control sanction imposed under Section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the Director of Alcohol and Drug Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

3. In all cases, a fine of not less than two hundred fifty and not more than one thousand dollars;

4. In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (a)(5) of Section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under Sections 4510.021 and 4510.13 of the Revised Code.

B. Except as otherwise provided in division (g)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of division (a) or (b) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of division (a)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this division unless, subject to division (g)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months. In addition to the jail term or the term of house arrest with electronic monitoring and jail term, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Section 3703.10 of the Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (i) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by Section 3793.02 of the Revised Code.

2. If the sentence is being imposed for a violation of division (a)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this division unless, subject to division (g)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic

monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months. In addition to the jail term or the term of house arrest with electronic monitoring and jail term, the court may require the offender to attend a driver's intervention program that is certified pursuant to Section 3793.10 of the Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (i) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by Section 3793.02 of the Revised Code.

3. In all cases, notwithstanding the fines set forth in other sections of these Codified Ordinances, a fine of not less than three hundred fifty and not more than one thousand five hundred dollars;

4. In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(4) of Section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under Sections 4510.021 and 4510.13 of the Revised Code.

5. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with Section 4503.233 of the Revised Code and impoundment of the license plates of that vehicle for ninety days.

C. Except as otherwise provided in division (g)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of division (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of division (a)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (g)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in Sections 2929.21 to 2929.28 of the Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

2. If the sentence is being imposed for a violation of division (a)(6), (7), (8), or (9) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (g)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the jail terms set forth in Sections 2929.21 to 2929.28 of the Revised Code, the

additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

3. In all cases, notwithstanding the fines set forth in other sections of these Codified Ordinances, a fine of not less than five hundred fifty and not more than two thousand five hundred dollars;

4. In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(3) of Section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under Sections 4510.021 and 4510.13 of the Revised Code.

5. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Section 4503.234 of the Revised Code. Division (g)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

6. In all cases, participation in an alcohol and drug addiction program authorized by Section 3793.02 of the Revised Code, subject to division (i) of this section.

D. This section shall not apply when the circumstances described in Section 4511.19(G)(1)(d) of the Revised Code apply. This section shall not apply in any case in which the conduct constitutes a felony under the laws of the State of Ohio.

E. This section shall not apply when the circumstances described in Section 4511.19(G)(1)(e) of the Revised Code apply. This section shall not apply in any case in which the conduct constitutes a felony under the laws of the State of Ohio.

(2) An offender who is convicted of or pleads guilty to a violation of division (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of Section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (g)(1)B.1. or 2. or (g)(1)C.1. or 2. of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of house arrest with electronic monitoring. As an alternative to a mandatory jail term of ten consecutive days required by division (g)(1)B.1. of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house

arrest. As an alternative to the mandatory jail term of twenty consecutive days required by division (g)(1)B.2. of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of house arrest with electronic monitoring. The cumulative total of the ten consecutive days in jail and the period of house arrest with electronic monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. As an alternative to a mandatory jail term of thirty consecutive days required by division (g)(1)C.1. of this section, the court, under this division, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. As an alternative to the mandatory jail term of sixty consecutive days required by division (g)(1)C.1. of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (g) of this section and if Section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges only if the court imposes as one of the conditions of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Section 4503.231 of the Revised Code, except as provided in division (B) of that section.

(5) Fines imposed under this section for a violation of division (a) of this section shall be distributed as provided in Section 4511.19 of the Revised Code or as otherwise provided by law.

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (g)(1)C., D., or E. of this section is assigned or transferred and division (B)(2) or (3) of Section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) As used in division (g) of this section, "electronic monitoring," "mandatory prison term," and "mandatory term of local incarceration" have the same meanings as in Section 2929.01 of the Revised Code.

(h) Whoever violates division (b)

of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Section 4510.02 of the Revised Code.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Section 4510.02 of the Revised Code.

(i) (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Chapter 3793. of the Revised Code by the Director of Alcohol and Drug Addiction Services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(j) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(k) All terms defined in Sections 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in Section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in Section 4501.01 or 4511.01 of the Revised Code, the term as defined in Section 4510.01 of the Revised Code applies to this section. (RC 4511.19).

Section 2. That existing Section 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, is repealed.

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

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

Ord. No. 712-04.

By Council Member Rybka.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Fleet Avenue to Slavic Village Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 132-10-008, as more fully described below, to Slavic Village Development Corporation.

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

P. P. No. 132-10-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 1 in C.G. Bankwill's Trustee Allotment of a part of Original One Hundred Acre Lot Nos. 312 and 313, as shown by the recorded plat in Volume 12 of Maps, Page 26 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Southerly side of Fleet Avenue, and extending back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 713-04.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Meech Avenue to Lawrence Zirker and Bruce Ison.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 136-01-023 and 136-01-024, as more fully described below, to Lawrence Zirker and Bruce Ison.

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

P. P. No. 136-01-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 86 and part of a vacated alley in J.M. Hoyt's Allotment of part of Original One Hundred Acre Lot No. 457, as shown by the recorded plat in Volume 4 of Maps, Page 26 of Cuyahoga County Records, together forming a parcel of land 40 feet front on the Northerly side of Meech Street, and extending back about 145 feet on the Westerly line about 148 feet 2 inches on the Easterly line, to the center line of an alley (14 feet wide) as vacated by Ordinance 1312-56 as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 136-01-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 87 in J.K. Hoyts Re-Subdivision of James M. and Colgate Hoyts Subdivision of part of Original One Hundred Acre Lot No. 457, as shown by the recorded plat of said Re-Subdivision in Volume 4 of Maps, Page 26 of Cuyahoga County Records, and being 40 feet front on the North-

easterly line of Meech Avenue, S.E., and extending back of equal width, 148.17 feet deep on the Northwesterly line, 151.25 feet deep on the Southeastly line be the same more or less, but subject to all legal highways.

NOTE: Above legal description includes part of vacated alley vacated by Ordinance 1312-56 by the City of Cleveland.

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 and Economic Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 714-04.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Barber Avenue to Breyerwood Homes LLC.

Whereas, the City of Cleveland adopted and implemented 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. 007-23-023 as more fully described below, to Breyerwood Homes LLC.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 007-23-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Sublots Nos. 12, 13 and 14 in Barber and McCrosky's Allotment of part of Original Brooklyn Township Lot No. 68 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records. Said part of Sublot No. 27 is bounded and described as follows:

Beginning at the Southeasterly corner of said Sublot No. 27, said point being also the intersection of the Northerly line of Barber Avenue, S.W. with the Westerly line of West 30th Street (formerly Mill Street), thence Westerly along the Northerly line of Barber Avenue, S.W., 50 feet to a point therein; thence Northerly at right angles to said Northerly line of Barber Avenue, S.W. to a point in the Westerly line of West 30th Street; thence Southerly along the Westerly line of West 30th Street to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. 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. 007-23-024 as more fully described below to Breyerwood Homes LLC.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 007-23-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 50 feet of the Westerly 55 feet of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Barber Avenue, S.W. and extending back at right angles therewith between parallel lines to the Southeastly line of Joy Court, S.W., (16 feet wide) and to the Southwestly line of West 30th Street (50 feet wide) and having an irregular rear line, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. 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. 007-23-026 as more fully described below, to Breyerwood Homes LLC.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 007-23-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet front of Sublot No. 25 in McGregor and Rhodes Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W. at its point of intersection with the Westerly line of a 10 foot alley which point is also the Southeasterly corner of Sublot No. 25; thence Northerly along the Easterly line of said Sublot No. 25 and the Westerly line of said alley 120 feet to a point; thence Northwesterly along the Northeasterly line of said Sublot to a point in the Southerly line of Joy Alley (16 feet wide) thence Westerly along the Northerly line of said Sublot and the Southerly line of Joy Alley 25 feet to a point 10 feet Easterly from the Westerly line of said Sublot; thence Southerly parallel to the Westerly line of said Sublot 125 feet to a point in the Northerly line of Barber Avenue S.W. 10 feet Easterly from the Westerly line of said Sublot; thence Easterly along the Northerly line of Barber Avenue S.W. 30 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any

Section 7. 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. 007-23-031 as more fully described, to Breyerwood Homes LLC.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 007-23-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 22 in the McGregor and Rhodes Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W., at a point distant 26 feet Easterly measured along said Northerly line from the Southwesterly corner of said Sublot No. 22; thence Westerly along the Northerly line of Barber Avenue, S.W., 24 feet; thence Northerly 125 feet to the Northwesterly corner of Sublot No. 22; thence Easterly along the Southerly line of Joy Court, S.W., about 25 feet 6 inches to the Northwesterly corner of land conveyed to Josephine W. Geraldine by deed recorded in Volume 2873, Page 634; thence Southerly in a direct line, 125 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 9. 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. 007-23-032 as more fully described below, to Breyerwood Homes LLC.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 007-23-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 21 and 22 in A.M. McGregor's Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point 2 feet East of the Southeasterly corner of said Sublot No. 21 on Barber Avenue, S.W., thence Northerly 125 feet to a point in the Northerly line of said Sublot No. 21, 6 inches Westerly of the Northeasterly corner of said lot; thence Westerly along said line, 32 feet to the Northeasterly corner of land conveyed to William Meyers; thence Southerly along said Meyer's Easterly line, 125 feet to the Northerly line of Barber Avenue, S.E., thence Easterly along the Northerly line of said Barber Avenue, S.W., 32 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. 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. 007-23-033 as more fully described below, to Breyerwood Homes LLC.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 007-23-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 20 and 21 in A.M. McGregor's Allotment of part of Original Brooklyn Township Lot No. 68 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W., distant 60 feet Easterly from its intersection with the Easterly line of West 32nd Place (formerly Bohn Court); thence Easterly along the Northerly line of Barber Avenue, 30 feet; thence Northerly, parallel with the Easterly line of West 32nd Place, about 125 feet to the Northerly line of Sublot No. 21, thence Westerly along the Northerly line of Sublot Nos. 21 and 20, which is also the Southerly line of Jay Court, S.W., 30 feet thence Southerly about 125 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. 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 14. 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 15. 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 16. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

**Ord. No. 715-04.
By Council Member Conwell.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation for the Home Expo Program through the use of Ward 9 Neighborhood Equity Funds.**

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Northeastern Neighborhood Development Corporation for the Home Expo Program for the public purpose of educating Cleveland residents on housing assistance and improvement programs that are available in the City of Cleveland, through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$6,600 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

Ord. No. 716-04.

By Council Member White.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Moore Faith Ministries for the Performing Arts Education Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective February 1, 2004 to June 30, 2004 with Moore Faith Ministries for the Performing Arts Education Program for the public purpose of providing after school performing arts education activities for Cleveland public school students through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$12,500 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.

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

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

Ord. No. 717-04.

By Council Member White.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Urban League of Greater Cleveland for the Enterprise Educational Program through the use of Ward 2 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective May 17, 2004 to May 31, 2005 with the Urban League of Greater Cleveland for the Enterprise Educational Program for the public

purpose of providing after school education to Cleveland public school students through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$21,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 718-04.

By Council Member Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Paul Missionary Baptist Church to stretch one (1) banner at East 79th Street & Kinsman (Pole No. 4825 & Pole No. 539-449) for the period from May 14, 2004 to June 14, 2004, inclusive, publicizing St. Paul Missionary Baptist Church 75th Anniversary.

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 St. Paul Missionary Baptist Church to install, maintain and remove one banner at East 79th Street and Kinsman (Pole No. 4825 & Pole No. 539-449), for a period from May 14, 2004 to June 14, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 719-04.

By Council Members Britt, Conwell and Pierce Scott.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with University Circle Incorporated for the Parade the Circle Celebration through the use of Wards 6, 8, and 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective June 1, 2003 to December 31, 2004 with University Circle Incorporated for the Parade the Circle Celebration program for the public purpose of providing arts education and other educational activities to Cleveland residents through the use of Wards 6, 8 and 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 724-04.

By Council Member Lewis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to New Day In Hough Committee to stretch banners at southeast and northeast corners of East 55th & Superior, Ansel & Hough and East 55th & Chester for the period from April 26, 2004 to May 9, 2004, 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 a period from April 26, 2004 to May 9, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 725-04.

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 8, 2004 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 a Walk, Race and Parade sponsored by the New Day in Hough Committee on May 8, 2004, assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to East 79th Street, north on East 79th Street to Lexington, west on Lexington to East 66th Street, south on East 66th Street 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 East 71st Street, north on East 71st Street to Linwood, east on Linwood to East 79th Street, south on East 79th Street to Hough Avenue, east on Hough Avenue 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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 720-04.

By Council Member Rybka.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit at 3277 East 65th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Regwill, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent Number 7274036 to Tesharra Taylor, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent Number 8853630; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Regwill, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent Number 7274036 to Tesharra Taylor, Inc., DBA Triple T, 3277 East 65th Street, Cleveland, Ohio 44127, Permanent

Number 8853630; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 721-04.

By Council Member Cimperman.

An emergency resolution supporting initiatives to make Cleveland a truly bicycle-friendly city by 2010; supporting the City Planning Commission in the adoption of the Bike Lane Design Guide of the Pedestrian and Bicycle Information Center; and urging the Ohio Department of Transportation to reinstate the bike lanes into the Euclid Corridor Transportation Project between Cleveland State University and Case Western Reserve University

Whereas, in September, 2002, the City of Cleveland announced its intention to make Cleveland a bicycle-friendly city by 2010; and

Whereas, bike lanes, signed, shared roadways and multi-purpose trails will make up the transportation network that bicyclists will use in Cleveland; and

Whereas, bicycles are a legal mode of transportation in the state of Ohio and bicyclists enjoy the same rights and have the same responsibilities as motorists; and

Whereas, bicycling is a means of affordable transportation; and

Whereas, studies performed by the Federal Highway Administration on bike lanes have shown them to be a highly effective way of increasing safety for both the bicycle rider and motorist; and

Whereas, these same studies have proven that streets with bike lanes have increased bicycle ridership; and

Whereas, bicycling is an excellent form of recreation that can lead to improved health and physical fitness; and

Whereas, bicycling is environmentally sound and helps ease traffic congestion; and

Whereas, with the exception of lane width, the Bike Lane Design Guide specifications are consistent with the manual on Uniform Traffic Control and the AASHTO Guide for the Development of Bicycle Facilities; and

Whereas, the City of Chicago has used these guidelines since 1999 and is considered the most bicycle-friendly large city in the United States; and

Whereas, the City of Cleveland's Divisions of Engineering and Construction and Traffic Engineering have reviewed and approved the Bike Lane Design Guide; and

Whereas, if the City of Cleveland does not adopt a set of local design guidelines, all questions about the design of bicycle lanes and other on-street bicycle facilities will be decided by the Ohio Department of Transportation; and

Whereas, if bike lane design decisions are left to the Ohio Department of Transportation, the Euclid Corridor Transportation Project may not include the bike lanes between Cleveland State University and Case Western Reserve University specifically requested by the City; 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 of the City of Cleveland supports initiatives to make Cleveland a truly bicycle-friendly city by 2010; supports the City Planning Commission in the adoption of the Bike Lane Design Guide of the Pedestrian and Bicycle Information Center; and urges the Ohio Department of Transportation to reinstate the bike lanes into the Euclid Corridor Transportation Project between Cleveland State University and Case Western Reserve University.

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

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

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

Res. No. 722-04.

By Council Members Cimperman, Westbrook and Brady.

An emergency resolution supporting the elimination of the so-called "two-thirds" rule and overhaul of the Ohio Schools Facilities Commission's reimbursement policies for rehabilitation which will allow the Cleveland Municipal School District maximum flexibility in its decisions regarding whether an older neighborhood school can be rehabilitated for continued use in our City and in communities throughout the State of Ohio.

Whereas, the City of Cleveland has architecturally and historically significant school buildings listed or eligible for listing on the National Register of Historic Places; and

Whereas, the exteriors of these historic neighborhood schools are constructed of the finest building materials available; and

Whereas, many of these fine older buildings can and should be rehabilitated to meet the 21st century educational needs of Cleveland's school children; and

Whereas, the historic rehabilitation of neighborhood schools will beautify Cleveland neighborhoods and likely result in increased property values; and

Whereas, the Ohio Schools Facilities Commission's Design Manual and reimbursement rules are biased against rehabilitation in favor of new construction, significantly limiting the options of local school districts; and

Whereas, the Columbus Landmark Foundation in its 2002 Historic Schools Technical Assistance Consortium Final Report, demonstrated that there are cost savings in building renovation verses new construction with the renovated building providing 21st Century "suitability"; and

Whereas, cost savings can be gained to provide 21st century school building facilities by revising the methodology to further evaluate adequacy of historic buildings and their renovation; and

Whereas, the Ohio Schools Facilities Commission should develop reimbursement guidelines which give greater consideration to the issues concerning older urban school building and sites and their respective importance effecting the fabric of urban neighborhoods; and

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

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

Section 1. That the Council of the City of Cleveland hereby supports the elimination of the so-called "two-thirds" rule and overhaul of the Ohio Schools Facilities Commission's reimbursement policies for rehabilitation which will allow the Cleveland Municipal School District maximum flexibility in its decisions regarding whether an older neighborhood school can be rehabilitated for continued use in our City and in communities throughout the State of Ohio

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the members of the Ohio School Facilities Commission, the Cleveland Municipal School Board, and the Ohio House and Senate Committees on Education.

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

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

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

Res. No. 723-04.

By Council Member Jackson.

An emergency resolution fixing 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 fixed as follows:

July 14, 2004
August 11, 2004

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 pm on Monday, September 13, 2004.

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

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

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

Res. No. 726-04.

By Council Member Brady.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 10510-12 Madison Avenue, 1st floor and basement and repealing Resolution No. 359-04, objecting to said transfer

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 10510-12 Madison Avenue, 1st floor and basement by Resolution No. 359-04 adopted by the Council on March 8, 2004; and

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

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

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

Section 1. That objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to W B Holdings, Inc., 10510-12 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44111, Permanent Number 9279409 be and the same is hereby withdrawn and Resolution No. 359-04, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1982-03.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Cuyahoga County Mental Health Board for psychiatric services for House of Corrections' inmates, for the Division of House of Corrections, Department of Public Health, for a period of one year.

Approved by Directors of Public Health, Finance, Law; Relieved of Committee on Health and Human Services. Passage recommended by Committee on Finance; when amended as follows:

1. In Section 1, line 5, strike "121977" and insert "143275".

Amendment agreed to.

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

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

Ord. No. 165-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 16326 Bryce Avenue to James A. Moore and Brenda Moore.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 166-04.

By Council Member Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 163rd Street to Cleveland Housing Network, Inc. or designee.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 239-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to update the indirect cost allocation plan.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 1.

Those voting yea were Council Members Jackson, Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Polensek, Rybka, Sweeney, Westbrook, White, Zone.

Those voted nay: Council Member Reed.

Absent: Council Member Pierce Scott.

Ord. No. 252-04.

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

An emergency ordinance authorizing the Director of Building and Housing to employ one or more professional consultants to provide asbestos evaluation and Phase I environmental audits; and authorizing the purchase by one or more requirement contracts of clean-up and securing of sites and the removal and disposal of underground storage tanks, for the Department of Building and Housing for a period of one year.

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

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

Ord. No. 264-04.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 48th Street to Urban Community School.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 273-04.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Courtland Court to Denison Homes Corporation.

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

1. In the title, line 5, and in Section 1, lines 3 and 4, strike "Denison Homes Corporation" and insert "Denison Homes Inc."

Amendment agreed to.

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

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

Ord. No. 333-04.

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.

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

Ord. No. 337-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Clerk of the Cleveland Municipal Court to enter into one or more contracts with ACS State & Local Solutions, Inc. for professional services necessary to process, collect, and enforce parking infraction tickets and judgments, for a period of two years.

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

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

Ord. No. 415-04.

By Council Member Jackson (by departmental request).

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

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

1. In Section 1, line 3, strike "one or two years" and insert "one year"; and strike lines 10, 11, 12, 13, and 14 in their entirety and insert "until provision is made for the requirements for the entire term."

Amendment agreed to.

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

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

Ord. No. 416-04.

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.

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

1. In Section 1, line 3, strike "one or two years" and insert "one year"; and strike lines 10, 11, 12, and 13 in their entirety and insert "requirements for the entire term."

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. 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. 419-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of salting and snowplowing parking lots, walkways, and sidewalks at City health centers, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Approved by Directors of Public Health, Finance, Law; Relieved of Committee on Health and Human Services; Passage recommended by Committee on Finance.

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

Ord. No. 420-04.

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

An emergency ordinance authorizing the Director of Public Health to lease property known as 23600 Mercantile Road, Unit J, from Mercantile Associates for a term not to exceed one year, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

Approved by Directors of Public Health, Finance, Law; Relieved of Committee on Health and Human Services; Passage recommended by Committee on Finance.

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

Ord. No. 422-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with State Industrial Products, Inc. to provide economic development assistance to partially finance building improvements to the property located at 3100 Hamilton Avenue, and all other associated costs to improve the property.

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

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

Ord. No. 423-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with State Industrial Products, Inc. to provide for a ten-year, seventy-five percent tax abatement for certain tangible personal property as an incentive to remain competitive and to retain and create new jobs located at 3100 Hamilton Avenue in the Cleveland Area Enterprise Zone.

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

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

Ord. No. 466-04.

By Council Member Jackson (by departmental request).

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

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

1. In Section 1, line 3, strike "one or two years" and insert "**one year**"; and strike lines 10, 11, 12, and 13 in their entirety and insert "**requirements for the entire term.**"

Amendment agreed to.

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

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

Ord. No. 468-04.

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

An emergency ordinance to amend Section 1 of Ordinance No. 2380-02, passed December 16, 2002, relating to one or more professional consultants to prepare planning studies, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In Section 1, in amended Section 1, second paragraph, line 11, after "two years," insert "**No contract shall have a term longer than four years in total, consisting of the initial two-year term and a single two-year option to renew.**"

Amendment agreed to.

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

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

Ord. No. 469-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with The McLean Co. for Wirtgen milling machine and equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 470-04.

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

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

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

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

Ord. No. 472-04.

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

An emergency ordinance authorizing the Director of Parks, Recre-

ation and Properties to enter into an agreement with the Polish-American Cultural Center to loan three plaster casts of Chopin, Siemkiewicz, and Mickiewicz for display at the Polish Cultural Museum for a period not to exceed two years.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 480-04.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into an amendment to Contract No. 61630 with Integrated Consulting Services, Ltd. to provide additional workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources, for a one year period.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. In the title, strike line 8 in its entirety and insert "**Resources**".

2. In Section 1, line 4, strike "for a one year period" and insert Section 1, line "for a period ending **December 31, 2004**".

3. In Section 2, line 1, after "shall" insert "**not exceed \$250,000 and shall**".

Amendments agreed to.

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

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

Ord. No. 481-04.

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

An emergency ordinance to amend Section 2 of Ordinance No. 2239-03, passed December 15, 2003, relating to the Director of Personnel and Human Resources to enter into one or more contracts with Recovery Resources to provide services relating to the Employee Assistance Program.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

Ord. No. 483-04.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation of a brownfield site from the Wheeling and Lake Erie Railroad right-of-way starting with East 49th Street and ending at Jones Road for future redevelopment; and authorizing the Director to enter into one or more contracts with Slavic Village Development to implement the project.

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

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

Ord. No. 485-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Kamm's Corners Development Corporation to provide economic development assistance to partially finance a facade renovation project at the Warren Village Shopping Center in the Westpark neighborhood.

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

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

Ord. No. 530-04.

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

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to the State of Ohio for the cost of rehabilitation and reconstruction of the West 3rd Street vertical lift bridge over the Cuyahoga River.

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

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

Ord. No. 538-04.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with The Catholic Charities Facilities Corporation, or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the redevelopment of Kirby Manor at 11500 Detroit Avenue.

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

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

Ord. No. 573-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Holland & Knight LLP for Washington lobbying services for the City of Cleveland.

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

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

Ord. No. 575-04.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 576-04.

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

An emergency ordinance authorizing the Director of Port Control to enter into amendments to the Master Leases with various airlines at Cleveland Hopkins International Airport to modify the leased premises of the affected airlines.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance; when amended as follows:

1. In Section 1, line 4, between "and " and "square" insert "**approximate**"; and in line 5, between "576-04-A" and the period insert "; **provided, however, that modifications shall be within ten percent (10%) of the square footage described in the file**".

Amendment agreed to.

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

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

Ord. No. 577-04.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 582-04.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1956-98, passed December 7, 1998, as amended by Ordinance No. 1193-03, passed July 16, 2003, relating to a requirement contract of various plumbing and heating equipment and supplies, including related materials and supplies, for the Department of Parks, Recreation and Properties, for a period of three years.

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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**SECOND READING
ORDINANCES PASSED**

Ord. No. 215-A-04.

By Council Member Zone.

An ordinance to change the zoning of parcels between W. 77th and W. 79th Streets north of Madison Avenue and South of the Norfolk and Western Railroad Right of Way from a General Industry Use District to a Multi-Family Residential Use District and from a "B" Area to an "E" Area (Map Change No. 2112, Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 544-04.

By Council Member Lewis.

An ordinance to change the zoning of parcels along Hough Avenue between East 65th Street and East 71st Street from Local Retail Business Use Districts to Single Family Residential Use Districts and a Multi-Family Residential Use District; from "B," "C," and "D" Area Districts to "A" Area Districts and from "2" Height Districts to "1" Height Districts (Map Change No. 2121, Sheet No. 5).

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

1. In the title, line 3, strike "East 65th" and insert "**East 66th**"; and in line 7, after "'A'" insert "**and 'C'**".

2. In Section 1, strike the legal description in its entirety and insert the following:

"East 66th Street (60 feet wide); Thence Northerly along the Centerline of said East 66th Street to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 1 of the W.J. Kinnard's Re-allotment as shown by the recorded plat in Volume 5, Page 28 of the Cuyahoga County Records;

Thence Easterly along the Westerly prolongation and Northerly line of said Sublot No. 1 to the North-easterly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 1 and its Southerly prolongation to its Intersection with the Centerline of said Hough Avenue;

Thence Easterly along the Centerline of said Hough Avenue to its Intersection with the Northerly prolongation of the Easterly line of Sublot No. 35 of Stevens & Cass Subdivision as shown by the recorded plat in Volume 15, Page 12 of the Cuyahoga County Records;

Thence Southerly along the Northerly prolongation and Easterly line of said Sublot No. 35 to the Southeasterly corner thereof;

Thence Westerly along the Southerly line of said Sublot No. 35 and continuing Westerly along the Southerly line and Westerly prolongation of Sublot No. 31 of said Subdivision to its Intersection with the Centerline of said East 66th Street;

Thence Northerly along the Centerline of said East 66th Street to its Intersection with the Centerline of Hough Avenue, as aforesaid, and the place of beginning."

3. In Section 2, line 2, strike "2112" and insert "**2121**".

4. In Section 4, line 2, strike "2112" and insert "**2121**".

5. In Section 5, in the first line after the legal description, strike "attached map is changed to a Single-Family" and insert "amended map is changed to a Multi-Family"; and in the second line after the legal description, strike "an "A" Area" and insert "a "C" Area".

6. In Section 6, line 2, strike "2112" and insert "2121".

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

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

MOTION

By Council Member Johnson seconded by Council Member O'Malley and unanimously carried that the absence of Council Member Sabra Pierce Scott, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, May 3, 2004 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 21, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 21, 2004, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Kathy Velkoff, Acting Director, Office of Equal Opportunity.

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

Resolution No. 218-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Valley Sterling Truck Sales, Inc. for an estimated quantity of

cab/chassis with digger/derrick device (primary), 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 March 3, 2004, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to Three Hundred Forty-Three Thousand Nine Hundred Seventy-Six and 00/100 Dollars (\$343,976.00) (0%-30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130328 which shall be certified against such contract in the sum of Three Hundred Forty-Three Thousand Nine Hundred Seventy-Six and 00/100 Dollars (\$343,976.00).

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

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

Logical Services, Inc.

MBE — \$1,250.00 per unit — 0.73%

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor, Williams and Director Carroll.

Nays: None.

Absent: Acting Director Pettus.

Resolution No. 219-04.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of All Erection & Crane Rental Corp. for an estimated quantity of yard cranes, 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 March 3, 2004, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to One Hundred Twenty-Three Thousand Nine Hundred and 00/100 Dollars (\$123,900.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130321

which shall be certified against such contract in the sum of One Hundred Twenty-Three Thousand Nine Hundred and 00/100 Dollars (\$123,900.00).

Said requirement contract shall further provide that the Contractor

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor, Williams and Director Carroll.

Nays: None.

Absent: Acting Director Pettus.

Resolution No. 220-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of cleaning and cement mortar lining of distribution mains — area 2004-B (including a \$308,495.00 contingency allowance), for the Division of Water, Department of Public Utilities, beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on February 27, 2004, pursuant to the authority of Ordinance No. 2308-03, passed December 15, 2003, as amended by Ordinance No. 161-04, passed February 2, 2004, upon a unit basis for the improvement in the aggregate amount of Three Million Three Hundred Ninety Three Thousand Four Hundred Forty Five Dollars (\$3,393,445.00) is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvement is hereby approved:

Subcontractor	Percentage	Work
RMC, Inc.	(MBE) — 15.00%	\$509,020.00
Rockport Construction & Materials, Inc.	(FBE) — 5.00%	\$169,675.00

RMC, Inc.
(MBE) — 15.00% — \$509,020.00

Rockport Construction & Materials, Inc.
(FBE) — 5.00% — \$169,675.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 221-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for an estimated quantity of labor and materials to repair water mains-area: west (all items) for the Division of Water, Department of Public Utilities, for a period of one year beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 3rd day of March, 2004, pursuant to the authority of Ordinance No. 2311-03, passed December 15, 2003, which on the basis of the estimated quantity would amount to One Million Eight Hundred Eighty Nine Thousand

Eight Hundred Thirty Seven Dollars and Forty-Five Cents (\$1,889,837.45), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 148093 which shall be certified against such contract in the sum of Five Hundred Thousand Dollars (\$500,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the contract authorized is hereby approved:

Subcontractor	Percentage	Work
RMC, Inc. (MBE) — 15.00% —		\$283,500.00
Rockport Construction & Materials, Inc. (FBE) — 5.00% —		\$94,500.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 222-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for an estimated quantity of labor and materials to repair water mains-area: east (all items) for the Division of Water, Department of Public Utilities, for a period of one year beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 19th day of March, 2004, pursuant to the authority of Ordinance No. 2311-03, passed December 15, 2003, which on the basis of the estimated quantity would amount to Three Million Two Hundred Sixty-One Thousand One Hundred Thirty-Three Dollars and 50 Cents (\$3,261,133.50), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 148023 which shall be certified against such contract in the sum of Five Hundred Dollars (\$500,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corp. for the contract authorized is hereby approved:

Subcontractor	Percentage	Work
RMC, Inc. (MBE) — 15.03% —		\$490,000.00
Choice Construction Co. Inc. (FBE) — 5.02% —		\$163,600.00
Larry Insana	.77%	\$25,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 223-04.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for the public improvement of cleaning and cement mortar lining of distribution mains-area 2004-A, (including a \$281,430.00 contingency allowance), for the Division of Water, Department of Public Utilities, beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on February 25, 2004, pursuant to the authority of Ordinance No. 2308-03, passed December 15, 2003, as amended by Ordinance No. 161-04, passed February 2, 2004, upon a unit basis for the improvement in the aggregate amount of Three Million Ninety-Five Thousand Seven Hundred Thirty Dollars (\$3,095,730.00) is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corp. for the above-mentioned public improvement is hereby approved:

Subcontractor	Percentage	Work
RMC, Inc. (MBE) — 10.01% —		\$310,000.00
Dan Ray Construction (MBE) — 5.15% —		\$159,500.00
Choice Construction Co. (FBE) — 5.01% —		\$155,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 224-04.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 1014-01, passed by the Council of the City of Cleveland on June 19, 2001, and Board of Control Resolution No. 74-02, adopted February 20, 2002, the City through its Director of Port Control

entered into City Contract No. 59299 with Action Automatics, Inc. to provide labor and material necessary to repair and maintain automatic doors for the various divisions of the Department of Port Control; and

Whereas, City Contract No. 59299 is a requirement contract necessary to labor and materials necessary to repair and maintain automatic doors as needed; and

Whereas, Resolution No. 74-02 erroneously contained a limitation on the amount of labor and materials necessary to repair and maintain automatic doors from Action Automatics, Inc.; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 74-02, authorizing the agreement between the City of Cleveland and Action Automatics, Inc. for labor and materials necessary to repair and maintain automatic doors, is amended by deleting all reference in the last paragraph to a limitation in the amount of labor and materials that may be ordered under the contract authorized.

Be it further resolved that all other provisions of Resolution No. 74-02 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 225-04.

By Director Mok.

Be it resolved by Board of Control of the City of Cleveland that the bid of S & E Contracting, Division of Smith Construction, Inc., for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "C-03-2", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on November 5, 2003, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-2000, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$233,201.84, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by S & E Contracting, division of Smith Construction, Inc. for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "C-03-2", hereby is approved:

Subcontractor	MBE/FBE%	Dollar Amount
MAP International	15.44% — MBE	\$36,000.00
Santillo Construction	6.00% — FBE	\$14,000.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 226-04.

By Director N. Ronayne.
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 2152-03, passed by the Council of the City of Cleveland on January 5, 2004, Allegro Realty Advisors, Ltd. is selected from a list of firms determined after a full and complete canvass by the Director of Parks, Recreation and Properties and the Director of the City Planning Commission as the firm to be employed by contract for professional services to conduct a feasibility study regarding the future use of the St. Michael Hospital property, donated to the City of Cleveland, for the Department of Parks, Recreation and Properties, in cooperation with the City Planning Commission.

Be it further resolved that the Director of Parks Recreation and Properties is authorized to enter into contract with Allegro Realty Advisors, Ltd. based on its proposal dated March 2, 2004, and supplemented by a letter dated April 12, 2004, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as contained in said proposal and letter, for an aggregate fee not to exceed \$75,000, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Allegro Realty Advisors, Ltd. for the professional services is approved:

<u>Subcontractor</u>	<u>Percentage</u>	<u>Work</u>
Van Auken Akins (FBE) —	12.5%	— \$9,375
Square One Architects (MBE) —	12.5%	— \$9,375

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 227-04.

By Director Sims.
Be it resolved by the Board of Control of the City of Cleveland that all bids received on February 13, 2004 for purchase of Labor, and Materials necessary to install office panels and reconfigure existing panels for the Division of Workforce Development, Department of Economic Development, pursuant to the authority of Ordinance No. 1518-03 passed by the Council of the City of Cleveland on November 17, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 228-04.

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

Whereas, City has acquired Permanent Parcel No. 104-20-071 under said Land Reutilization Program; and

Whereas, Ordinance No. 778-03 passed March 29, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ella J. Redeemen has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 778-03 passed March 29, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Ella J. Redeemen for the sale and development of Permanent Parcel No. 104-20-071, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 229-04.

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

Whereas, City has acquired Permanent Parcel Nos. 118-09-003 (Southeasterly part of) and 118-09-112 under said Land Reutilization Program; and

Whereas, Ordinance No. 775-03 passed March 29, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Barry King and Sarita A. King have proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 775-03 passed March 29, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Barry King and Sarita A. King for the sale and development of Permanent Parcel Nos. 118-09-003 (Southeasterly part of) and 118-09-112, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 230-04.

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

Whereas, City has acquired Permanent Parcel No. 118-09-085 under said Land Reutilization Program; and

Whereas, Ordinance No. 2246-03 passed March 29, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Rose Stewart has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2246-03 passed March 29, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Rose Stewart for the sale and development of Permanent Parcel No. 118-09-085, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 231-04.

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

Whereas, City has acquired Permanent Parcel No. 002-35-033 under said Land Reutilization Program; and

Whereas, Ordinance No. 168-04 passed March 29, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ohio City Near West Development Corporation has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 168-04 passed March 29, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Ohio City Near West Development Corporation for the sale and

development of Permanent Parcel No. 002-35-033, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 232-04.

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

Whereas, City has acquired Permanent Parcel No. 115-08-078 under said Land Reutilization Program; and

Whereas, Ordinance No. 164-04 passed March 29, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Beulah Baptist Church has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 164-04 passed March 29, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Beulah Baptist Church for the sale and development of Permanent Parcel No. 115-08-078, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 233-04.

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

Whereas, City has acquired Permanent Parcel No. 118-24-101 under said Land Reutilization Program; and

Whereas, Ordinance No. 1062-2000 passed March 29, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Wilbert J. Abernathy, Jr. has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1062-2000 passed March 29, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Wilbert J. Abernathy, Jr. for the sale and development of Permanent Parcel No. 118-24-101, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$4,000.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 234-04.

By Director Fumich.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 98-04, passed by the Council of the City of Cleveland on February 23, 2004, Kathlene Marie Szymanski is hereby selected upon nomination of the Director of Aging, from a list of qualified consultants, after a full and complete canvass by said Director, as the consultant to be employed by contract for the purpose of supplementing the regularly employed staff of the Department of Aging in order to provide professional services necessary to assist grandparents and other relatives who are caregivers in raising children as the Cleveland West Community Navigator under the Cuyahoga County Grandparent/Kinship Caregiver Initiative.

Be it further resolved that the Director of Aging is requested to enter into a written contract with Kathlene Marie Szymanski, which contract shall be prepared by the Director of Law, shall provide for furnishing the professional services described above, on the basis of the grant agreement with Cuyahoga County, and shall contain such terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the aggregate fee is not to exceed \$30,000.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Directors Nelson, Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the 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, MAY 10, 2004

9:30 A.M.

Calendar Nos. 04-67: 5500 Courtland Court, Unit 1 (Ward 17)

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 2,238 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 1,119 s/f, and a minimum street frontage of 25' is required where 22.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there is a 5' and 0' side yard distance provided and the proposed residence building abuts a residence building on a separate lot and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-68: 5500 Courtland Court, Unit 2 (Ward 17)

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,736 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regula-

tions for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 868 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-69: 5500 Courtland Court, Unit 3 (Ward 17)

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,736 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 868 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building may be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-70: 5500 Courtland Court, Unit 4 (Ward 17)

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,752 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 876 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-71: 5500 Courtland Court, Unit 5 (Ward 17)

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,722 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 861 s/f, and a minimum street frontage of 25' is required where 17.33' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, there are no side yards provided and a residence building

may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-72: 5500 Courtland Court, Unit 6 (Ward 17)

Denison Homes c/o Michael DeCesare, appeals to construct a three-story, one family townhouse dwelling unit on a 1,882 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirements of one-half the lot size area or 941 s/f, and a minimum street frontage of 25' is required where 12' is proposed and contrary to the Requirements for Yards and Courts, where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, and a 5' and 0' side yard distance is provided and a residence building may not be erected within 10' of a residence building on an adjoining lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-73: 5500 Courtland Court (Ward 17)

Denison Homes c/o Michael DeCesare appeals to construct a three-story, one family townhouse dwelling unit on a 1,918 s/f portion of an approximate 194' x 100' parcel located in a Two-Family District on the north side of Courtland Court at 5500 Courtland Court; contrary to Section 355.04 of the Area Regulations for a "B" Area District, the maximum gross floor area exceeds the requirement of one-half the lot size area or 959 s/f, and contrary to Section 357.08(B)(1), a rear yard distance of 0' to 5' is proposed where 20' is required and where the total interior side yards required are 10' and no interior side yard shall be less than 3' in width, a 9.32' and 0' side yards are provided and a residence building may not be erected within 10' of a residence building on a separate lot as stated in Section 357.09(2)B of the Codified Ordinances.

Calendar No. 04-84: 2708 Barber Avenue (Ward 14)

William Rey, owner, appeals to erect a 24' x 30' one-story, frame garage addition to the west side of an existing two-story frame dwelling situated on a 74' x 66' parcel in a Semi-Industry District on the north side of Barber Avenue at 2708 Barber Avenue; contrary to Section 355.04(a) of the Area Requirements, the total gross floor area provided with the garage addition is 3,688 s/f and the maximum gross floor area allowed is 50% of the lot size, or a total of 2,442 s/f; and contrary to the Yards and Courts Regulations, a rear yard area of 10' is provided where 20' is required as stated in Section 357.08(b)(2) of the Codified Ordinances.

Calendar No. 04-85: 4925 State Road (Ward 16)

The Russian Orthodox Benevolent Brotherhood of Father John Kronstadtsky c/o Reverend Anatol Siegien, appeals to install approximately 1,480 linear feet of 6' high chain link fence along the northerly perimeter and 6' high chain link fence with privacy slats along the south and at the east perimeters of

an acreage parcel located in Semi-Industry and General Industry Districts on the east side of State Road at 4925 State Road; on March 10, 2003 in Calendar No. 03-14, the Board granted a change of use, for assembly/banquet hall, storage and other business in the existing buildings on the premises and the approved plan provided for a 4' high chain link fence with green fiberglass slats; the appellant appeals to change the fence from what was shown on the plan that was approved and therefore requires the Board of Zoning Appeals approval under the provisions for Nonconforming Uses as stated in Section 359.01(a) of the Codified Ordinances.

Calendar No. 04-86: 2990 West 12th Street (Ward 13)

Jeffrey Rutshin, owner, appeals to change an existing two family dwelling to a three unit, multi-family dwelling situated on a 36' x 120' parcel in a Two-Family District on the southwest corner of West 12th Street and Castle Avenue at 2990 West 12th Street; contrary to Section 337.03 of the Residential Districts Regulations, a three family dwelling is not permitted in a Two-Family District but first permitted in a Multi-Family District and Section 349.04 of the Off-Street Parking and Loading Requirements, there is no parking provided where three spaces are required; and contrary to the Area Requirements under Section 355.05(a), the maximum gross floor area allowed is 2,160 s/f and 2,827 s/f is provided and the minimum lot area required is 7,200 s/f and 4,320 s/f is provided; and subject to the provisions for Nonconforming Uses, the existing nonconforming building has a side yard of 2.5' and requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-87: 4087 East 81st Street (Ward 12)

Anthony Glineski, owner, appeals to install a 4' high chain link fence along the front yard setback of a vacant parcel at the north side of one family dwelling house located in a Two-Family District on the east side of East 81st Street at 4087 East 81st Street; the proposed fence is contrary to the Fence Regulations that require ornamental fence materials to be used in the actual front yards of Residential Districts, unless the Board of Zoning Appeals determines that chain link fences are common in the immediate vicinity of the property as stated in Section 358.04(c)(1) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 26, 2004

At the meeting of the Board of Zoning Appeals on Monday, April 26, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-74: 15712 Kipling Avenue

The Catholic Diocese of Cleveland, owner, and Hope East Academy, prospective tenant, appealed to erect a 64' x 192' one-story modular class-

room building in a Two-Family District; subject to conditions.

Calendar No. 04-76: 12913 Bennington Avenue

The Catholic Diocese of Cleveland, owner, and Hope West Academy, prospective tenant, appealed to erect a 64' x 71' one-story modular classroom building in a One-Family District; subject to conditions.

Calendar No. 04-77: 2141 West 47th Street

Steven Englehart appealed to demolish the nonconforming front portion and rebuild in its place a 21' x 42' two-story frame addition to an existing two-story dwelling in a Two-Family District.

Calendar No. 04-79: 15100 Lakeshore Boulevard

St. Jerome School c/o Reverend Thomas Haren appealed to install a 5' x 6' double face bulletin board sign mounted between two brick columns in the front of a three-story school building in a Multi-Family District.

Calendar No. 04-22: 14109 Benwood Avenue

Fifth Christian Church appealed to construct an accessory parking lot to the existing church in a Two-Family and a Local Retail Business District.

Calendar No. 04-58: 3507 Carnegie Avenue

Julian Kahan owner, and Martin Benade, prospective purchaser appealed to add a spray painting booth to a legal, nonconforming auto body repair shop in a General Retail Business District.

The following appeals were **Denied:**

None.

The following appeal was **Postponed:**

Calendar No. 04-75: 2118 Broadview Road postponed to May 10, 2004.

On Monday, April 26, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, April 19, 2004, and said decisions were approved and adopted in Executive Session on Monday, April 26, 2004:

The following appeals were **Approved:**

Calendar No. 04-64: 5000 Pearl Road Myron Kaplan appealed to construct a 50' x 160' one-story accessory storage building in split zoning between Semi-Industry and General Industry Districts; granted with conditions.

Calendar No. 04-65: 14129 Puritas Avenue

Coral Puritas Partnership appealed to construct a 110' x 70' one-story retail building in a Shopping Center District.

Calendar No. 04-66: 3140 West 98th Street

Gerald Zahler appealed to construct a 5,119 s/f addition to the north side of a one-story retail building in a General Retail Business District.

Calendar No. 04-52: 6304 Lorain Avenue

Steve Menyhart appealed to extend the storage area of a plumbing supply operation onto an additional parcel in a Local Retail Business District.

The following appeals were **Denied:**

None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of April 21, 2004

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-117-03.

RE: Appeal of Knights Center Corporation, Owner of the Property located on the premises known as 840 Huron Road from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated July 29, 2003, 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 be rescheduled in thirty (30) days.

* * *

Docket A-16-04.

RE: Appeal of Luegenia Dixon Kelley, Owner of the Two Story One Dwelling Unit Wood Frame Residential Property located on the premises known as 6716 Dunham Avenue from a 30 DAY CONDEMNATION ORDER—MS of the Director of the Department of Building and Housing, dated January 29, 2004, 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 modify the Commissioner's 30 DAY CONDEMNATION ORDER—MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain permits and six (6) months in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER—MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by November 5, 2004. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

Docket A-18-04.

RE: Appeal of Martha J. Griffin, Owner of the Two & One-half Story Two Dwelling Units Frame Residential Property located on the premises known as 1859 Reyburn Road (a.k.a. 1859-61 Reyburn Road from a 7 DAY VACATE ORDER/30 DAY CONDEMNATION ORDER—MS & GARAGE of the Director of the Department of Building and Housing, dated October 28, 2003, 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 DENY the Appellant's appeal request for an "Extension of Time", and to REMAND the property at 1859 Reyburn Road (a.k.a. 1859-61 Reyburn Road) to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-22-04.

RE: Appeal of SN Servicing Corp., Owner of the Two & One-half Story Frame (Duplex) Residential Property located on the premises known as 1343 East 112th Street (a.k.a. 1343-45 East 112th Street) from a 30 CONDEMNATION ORDER—MS/CONDEMNATION—YARD CLEAN-UP of the Director of the Department of Building and Housing, dated February 10, 2004, 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 REMAND the property at 1343 East 112th Street (a.k.a. 1343-45 East 112th Street) 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. Gallagher.

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

* * *

Docket A-23-04.

RE: Appeal of Synthia Moore, Owner of the One Story Masonry Private Garage Property located on the premises known as 13500 Harvard Avenue from a 30 DAY CONDEMNATION ORDER—GARAGE/VIOLATION NOTICES—HVAC/ELEVATOR/CHANGE OF USE AND ILLEGAL USE of the Director of the Department of Building and Housing, dated February 11th, 23rd, 2004 and March 04th, 10th, 2004, 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 require that the rear attached unsafe building be made safe, and that the HVAC and electrical violations be abated by July 1st, 2004, noting that additional time can be requested of the Appellant; 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-34-04.

RE: Appeal of Heidtman Steel Products, Inc., Owner of the Property located on the premises known as 4600 Heidtman Parkway from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 30, 2004, 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 required variance to permit high hazard percentage of occupancy of an unlimited area buildings to exceed ten (10) percent and be approximately 48,000sq.ft. and to grant the variance to the ten (10) feet encroachment of the corner of the building into the setback area. Motion so in order. Motioned Gallagher and seconded by Mr. Bradley.

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

APPROVAL OF RESOLUTIONS:

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

- A-134-03—Male House I. LLC.
- A-4-04—Bobby Cunningham.
- A-11-04—Derick M. Byrd.
- A-15-04—Marvin Chernin.
- A-17-04—Charles Christopher Real Estate, LLC.

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

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):

April 7, 2004

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

APPROVAL OF AMENDED RESOLUTION:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Amended 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):

Docket A-39-02 — Basma A. Hamid — 4801 Clark Avenue:

FROM: ... DENY the Appellant's appeal request for variance and to require a sprinkler system and a qualified second means of egress, noting that the children have the potential of staying until midnight, which creates sleeping conditions

that warrant additional protection; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action.

TO: ... to permit the Appellant to vary the occupancy of the floors, but to prohibit any children 1 to 2-1/2 years or younger from the second floor; and to require that sprinklers be installed if Appellant intends to increase the total occupancy of the property, noting that the Appellant must maintain a fire alarm system and smoke detectors throughout the building, and provide a floor plan posting the ages and location of the occupancy; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action.

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

INFORMAL HEARING:

CITY ARCHITECTURE
RE: Townhome developments construction documents submittal requirements.

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Scaled bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity

("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

FRIDAY, MAY 7, 2004

Snow Removal and Heavy-Duty Equipment with Operators, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 1888-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 29, 2004, AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Ammunition, for the Division of Police, Department of Public Safety as authorized by Section 135.065, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 30, 2004, AT 10:00 A.M., OUTDOOR RANGE, 3700 W. 58th STREET, CLEVELAND, OHIO 44102.

April 21, 2004 and April 28, 2004

WEDNESDAY, MAY 12, 2004

Veterans Memorial Bridge Poles & Fixtures, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, WEDNESDAY, MAY 5, 2004, AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 21, 2004 and April 28, 2004

THURSDAY, MAY 13, 2004

One (1) Cargo Van with Interior Conversion Package, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, MAY 3, 2004, AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th ST., BUILDING #1, CLEVELAND, OHIO 44105.

April 21, 2004 and April 28, 2004

FRIDAY, MAY 14, 2004

Refill, Repair, and Replace Fire Extinguishers, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2023-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, MAY 4, 2004, AT 10:30 A.M., CITY HALL, 601 LAKESIDE AVE., ROOM 514, CLEVELAND, OHIO 44114.

April 21, 2004 and April 28, 2004

WEDNESDAY, MAY 19, 2004

Denison Ave. Area Water Improvements, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 324-04 pending.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, APRIL 30, 2004 AT 10:00 A.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM-1ST FLOOR, 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

April 21, 2004 and April 28, 2004

THURSDAY, MAY 13, 2004

St. Luke's Redevelopment-Phase II, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 579-04 pending.

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 **MANDATORY** PRE-BID MEETING, THURSDAY, MAY 6, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVE., ROOM 518, CLEVELAND, OHIO 44114.

Rehabilitating and Reconstructing Benninton Ave. from West 130th Street to Easterly End, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 2227-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 6, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVE., ROOM 518, CLEVELAND, OHIO 44114.

April 28, 2004 and May 5, 2004

THURSDAY, MAY 20, 2004

Rehabilitation of Canal Road from Columbus Road to Commerical Drive, for the Division of Engineering and Construction, Department of Public Service as authorized by Ordinance No. 579-04 pending.

ment of Public Service as authorized by Ordinance No. 2242-03, passed by the Council of the City of Cleveland, December 15, 2003.

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, MAY 13, 2004, AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVE., ROOM 518, CLEVELAND, OHIO 44114.

April 28, 2004 and May 5, 2004

THURSDAY, MAY-27, 2004

Wood Poles and Crossarms, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY** PRE-BID MEETING, WEDNESDAY, MAY 12, 2004, AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., ROOM 518, CLEVELAND, OHIO 44114.

April 28, 2004 and May 5, 2004

**Certified MBEs and FBEs
Reporting Period: First Quarter, 2004**

Pursuant to Chapter 187 of the Codified Ordinances of the City of Cleveland, Ohio, listed below are the firms that have been certified as Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) by the Mayor's Office of Equal Opportunity during the First Quarter 2004.

Company	MBE/FBE	Certdate	Description
A Group, Inc.	FBE	3/22/2004	Full service agency: advertising, marketing and communications
Able Contracting Group, Inc.	FBE	3/21/2004	Sales, service, installation of fences & guard rails, traffic control products
Albert Herman Draperies, Inc.	FBE	2/11/2004	Manufacturer of custom draperies, bedspreads, supplier of blinds and window coverings, including installation
Albrecht Typography & Design	FBE	1/26/2004	Graphic design & typography
All In One Computer Systems	MBE/FBE	2/6/2004	Computer training services, wordprocessing & secretarial services
Alpha Omega Chemical Co.	MBE	2/4/2004	Mgmt. services: asbestos/lead abatement. Underground storage tank removal. Excavation, hazardous waste removal. Environmental consulting, remediation, clean-up; analytical laboratory
APA & Associates	MBE	1/28/2004	Sales, installation & service of telephone systems; design, install & certify voice and data cabling
Application Design Consultants	MBE	2/23/2004	Computer consulting services, sale of hardware and software as applicable to design; provide systems evaluation
Authentic Flooring, Inc.	FBE	3/31/2004	Sales and installation of carpet, vinyl and ceramic tile and other miscellaneous flooring
B & R Trucking Co., Inc.	MBE	2/12/2004	Dump truck hauling
B.B.C. Electric Company	MBE	1/12/2004	Electrical contractor
BAM Electrical, Inc.	MBE	3/29/2004	Electrical contracting: commercial and industrial
Barrow Sign Company	FBE	2/24/2004	Sign making: exterior and interior including fabrication and installation
Barry Booker Trucking	MBE	3/3/2004	Trucking: hauling of various materials
Bemba K. Jones, PS & Associates	MBE	2/26/2004	Surveying and engineering services
Big Brown Eyes Productions, Ltd.	MBE/FBE	3/17/2004	Photographer
British Bran Construction	MBE/FBE	1/13/2004	General contractor specializing in lead abatement, landscaping, carpentry, roofing & rehab renovations

C. Barnes Trucking	MBE	2/28/2004	Trucking and hauling
Calvin Singleton & Associates	MBE	3/5/2004	Architecture, planning and construction management
Caraballo Custom Home Works, Inc.	MBE	2/26/2004	Contractor: painting, plastering, drywall and wallpaper installation
Cavalier Construction & Industrial Corp.	MBE	3/3/2004	Packaging, clean-up, transportation & disposal of non-hazardous oil & grease/debris, hazardous training & management plan, report preparation; general contractor specializing in landscape, masonry, drywall, carpentry, concrete laying
Cavotta Landscapers, Inc.	FBE	2/25/2004	Landscaper
Chagrin Consulting Services, Inc.	FBE	2/20/2004	Technology consulting including project management, analysis, development, support and testing
CJI, Inc.	FBE	1/12/2004	General contractor specializing in commercial and public projects
Clark Mechanical, Inc.	MBE	1/12/2004	Mechanical contractor specializing in HVAC and fire protection
Clotman and Sons General Contractors, Inc.	MBE	3/17/2004	General contractor specializing in carpentry, concrete, masonry, roofing, HVAC, plumbing
Cogen Construction	MBE	1/16/2004	General contractor specializing in carpentry and drywall
Coleman Development, Inc.	MBE	3/3/2004	Lead abatement, mechanical dismantling and interior wrecking
CommSteel, Inc.	MBE	2/12/2004	General contractor specializing in structural steel erection, fabrication, miscellaneous steel and steel supplies
Complete Cleaning Service	MBE	2/4/2004	Janitorial services
Computer Workshop, The	FBE	2/9/2004	Software training including seminars, database, web page design, etc.
Coniglio Company, The	MBE/FBE	2/27/2004	General contractor specializing in renovations; custom cabinets; drywall, plastering, insulation, carpentry, partitions
CTL Engineering, Inc.	MBE	2/23/2004	Consulting engineers, testing, inspection services, analytical laboratories
Dan Ray Construction Co., Inc.	MBE	2/24/2004	General contractor specializing in utility work, water mains (relining & installation), excavation & concrete work; I soil preparation, seeding, strawing, landscaping
Dingus and Daga, Inc.	MBE	3/31/2004	Certified public accountants
DLZ Ohio, Inc.	MBE	2/9/2004	Consulting Architects & Engineers, for civil, mechanical, electrical, industrial, environmental testing, environmental, hydraulics, dams sewers, airports, bridges, subdivision management, construction management
Dmytryka Jacobs Engineers, Inc.	MBE	3/29/2004	Design, development and implementation of instrumentation & control systems; services include PLC & MMI software design & start-up; control integration
Dunham & Dunham's Technologies	MBE	2/18/2004	Residential telecommunications including satellites and dish networking programming; installation including poles in concrete base; general contractor specializing in concrete pads, driveways, & walkways
E. Horton & Associates	MBE	1/21/2004	Real estate appraisal
East-West Construction Co., Inc.	MBE	2/25/2004	General contractor, construction management
Eden Environmental, Inc.	FBE	1/16/2004	Environmental consulting including assessment & remediation, hazardous waste, and asbestos sampling
Engravable Idea & Stitch Factory, The	MBE/FBE	3/17/2004	Manufacturer of awards, plaques, promotion items; metal photos; glass etching and embroidery on clothing and accessories
Ferman's Drywall	MBE	2/3/2004	Contractor specializing in drywall installation
Freedom Home Buyers Group, Inc.	MBE/FBE	2/6/2004	Residential property acquisitions and rehab
GAW Enterprises, Ltd.	MBE	1/21/2004	Trucking, snow plowing, landscaping
General Construction, Inc.	MBE	3/19/2004	General contractor specializing in carpentry
Gilcrest Electric & Supply Company	MBE	2/19/2004	General contractor specializing in electrical work
Glendennis Bed & Breakfast	FBE	1/15/2004	Bed and breakfast inn
Granger Trucking, Inc.	MBE	2/19/2004	Trucking
Gratton Building Specialties	FBE	1/12/2004	Sale & installation of toilet partitions, washroom accessories & lockers
Greater Cleveland Home Inspection Services	MBE	2/13/2004	Building/home inspections; provide narrative, conduct relocation inspections; provide radon, carbon monoxide & combustible gas testing
H2N Design, Inc.	FBE	2/22/2004	Graphic design including corporate identity, publications, annual reports, advertising, website design
Hammond Corporation	MBE/FBE	2/10/2004	Mechanical contractor: HVAC, plumbing and process piping
HCI, Inc.	MBE	1/29/2004	General contractor specializing in commercial and industrial building renovations

Heavenly Metals, Inc.	MBE	2/24/2004	Contractor: HVAC, i.e., provide & install duct work, furnances and roof top units for residential, commercial & industrial heating cooling systems
Huckabee Masonry, Inc.	MBE	2/28/2004	General contractor specializing in masonry work
Integrated Business Supplies, Inc.	FBE	3/30/2004	Computers: hardware, software & supplies, office supplies and employment services
J. Sons, Inc.	MBE	2/23/2004	Contractor specializing in excavation, installation of sanitary, storm water lines, utility connections
K.L.E. Construction Company	MBE	1/28/2004	General contractor specializing in installation of reinforcement steel, welding & ornamental iron work; concrete work
Keeble Construction Co., Inc.	FBE	3/4/2004	General contractor specializing in communication towers, installation and maintenance of flag poles, repair of elevated water tanks, all types of high work and repairs
Kevin L. Penn, Inc.	MBE	2/27/2004	Certified public accountant services
Knight & Stolar, Inc.	FBE	1/26/2004	Landscape architecture
L.B. Contractors	MBE	2/3/2004	General contractor specializing in drywall acoustical insulation installation; metal studs, windows, painting & wall plastering
L.T. Davis and Associates, Inc.	MBE	2/12/2004	Real estate appraiser
Lakefront Aerials & Equipment, Inc.	FBE	2/12/2004	Delivery of equipment rental &/or sale; training on forklifts, concrete equipment and other construction equipment
Lasting Impressions Printing dba Farrell Serv.	FBE	3/26/2004	Printing and promotional products
M.A.R. Development, Inc.	MBE/FBE	3/11/2004	General contractor specializing in rehab
MCGIX Corporation	MBE	3/29/2004	Management consulting and information technology services
Miles Mechanical, Inc.	MBE	3/24/2004	HVAC and mechanical contractor
Minerva Consulting, Inc.	MBE/FBE	1/28/2004	Community economic development, real estate developer & business development planning including marketing, public relations & research
Montecalvo Electric, Inc.	FBE	2/5/2004	Electric contractor including fire alarm systems and tele-data installations
Nationwide Protective Service, Inc.		3/3/2004	Security guard provider
New Concepts Consulting, Inc.	MBE/FBE	2/12/2004	Customized software, database design development, network installation & support, web page dev., client server/mainframe placement. Software training; video production, editing
North Electric, Inc.	MBE	3/4/2004	Electrical contractor
Office Pro, Inc.	FBE	2/13/2004	Secretarial services
One Way Express, Inc.	FBE	3/26/2004	Commercial freight trucking: local, interstate, intrastate including Canada
The Partnership	MBE	2/20/2004	Human resources consulting services
Peggy Brown, Landscape Architect	FBE	3/29/2004	Landscape architect
Poly Services, Inc.	MBE	2/28/2004	Supplier: bonding, wrapping & packaging materials, equipment maintenance (pumps, seals, bearings) for steel mills, material handling equipment & specialty orders
RADCom, Inc.	FBE	1/30/2004	Computer programs: technical writing, consulting, user manuals, training; on line information design
Rayner's Inc. dba The Repair Company	FBE	3/18/2004	Automobile repairs
RC Administrative Services	FBE	1/27/2004	Administrative & bookkeeping services
R-CAP, Ltd.	MBE/FBE	2/27/2004	Security services
Real Conservative Enterprises, Inc.	MBE	3/26/2004	General contractor: specializing in renovations, rehab; installation of GFIs, battery smoke detectors, rough carpentry work; removal replacement concrete walks, curbs, aprons
Regency Construction Services, Inc.	FBE	3/23/2004	Construction management performing estimating, scheduling, construction administration; general contractor including carpentry
Resource International, Inc.	FBE	3/4/2004	Engineering, geotechnical, testing laboratory, systems design & software, research and development, management services
Road Runners, Inc.	FBE	1/26/2004	Courier service
Rockport Financial Services	FBE	2/22/2004	Insurance, investments, financial planning
Roof T.E.C., Inc.	FBE	1/12/2004	Roofing consultants
Sams Specialty Services, LLC	FBE	1/9/2004	Voice mail, cellphones & pagers, including pager repairs
Santillo Construction of Ohio LLC	FBE	2/16/2004	General contractor specializing in renovations, carpentry, woodwork, concrete roofing; tile and cabinet installation
Sigma Associates, Inc.	FBE	3/3/2004	Engineer/architect consulting for studies, design, construction oversight, operation/maintenance training for infrastructure and facilities
Smart Solutions dba Microage Computer Store	MBE	1/6/2004	Computer store: personal computers, networks, peripherals, and support services
Snider-Blake Business Service, Inc.	FBE	1/27/2004	Employment service: temporary and permanent placement services
Stat Expeditors, Inc.	FBE	3/27/2004	Courier services specializing in medical, payroll and mail services, etc.

Strong Tool Company, LLC	MBE	3/8/2004	Industrial distribution: abrasives, cutting tools, precision tools, maintenance & tool room supplies; janitorial supplies, safety supplies lubricants
Suburban Maintenance Contractors	FBE	3/29/2004	Maintenance work
Tal-Cut Company, Inc.	MBE/FBE	2/1/2004	Computer information management pertaining to information technologies and commuter services
Trinidad Skill Craft Fabricator	MBE	3/6/2004	Welding and fabrication
T-Square Builders & Construction, Inc.	MBE	2/10/2004	General contractor specializing in carpentry and rehabilitation
U.S. Communications & Electric, Inc.	FBE	2/28/2004	Telecommunication installation and electrical contracting
United International Consultants, Inc.	MBE	2/17/2004	Sanitary & environmental engineering consulting services; operation and maintenance manuals preparation
VTP Electric, Inc.	MBE	3/5/2004	Residential and commercial electrical installation
Wake Forest Garden Center	MBE	3/22/2004	Construction landscaping and landscaping maintenance, lawn and garden services
Wilkerson & Associates, LPA	MBE	1/27/2004	Legal services

**MBEs/FBEs DELETED FROM OEO'S DATABASE
First Quarter, 2004**

The attached firms, that were previously certified as a MBE and/or FBE have been dropped from the MBE/FBE database. The firms listed were sent at least two (2) letters and elected not to re-certify for various reasons, including going out of business and changes in geographic location.

MBE/FBE	Company
FBE	Datsmarts
FBE	MAK Connection
FBE	Pamela Argentieri - Interior Design
MBE	Artisan Electrical Contractors
MBE	Cleveland Mechanical Group, Inc.
MBE	Danoli Landscape, Inc.
MBE	DePaul-Williams Properties, LLC
MBE	E.M. Nuckley Packaging Company, Inc.
MBE	East Erie Enterprise, LLC
MBE	Erie Shores Computer, Inc.
MBE	ESC Environmental Services
MBE	Flame/J & L Courier, Inc.
MBE	Glory Foods, Inc.
MBE	The Graddic Company
MBE	H.I. Environmental Technologies
MBE	H.M.C. Plumbing, Inc.
MBE	Harry's Painting & Contracting
MBE	Hayes Construction Co., Inc.
MBE	HiMem Computer Consultants, Ltd.
MBE	The Jared Group, Inc.
MBE	L. Gray Barrel & Drum Co., Inc.
MBE	Management Security, Inc.
MBE	Midtown Trucking
MBE	N. Pritchett Trucking
MBE	Neat, Clean & Green Lawncare & Snow Removal
MBE	New Life Painting Company
MBE	New Look Paving & Sealcoating, Inc.
MBE	Nu Era Construction Company
MBE	OCS Interior Systems, Inc.
MBE	Pheifer-LWD Printing and Publishing
MBE	Piankhi Construction & Contracting, Inc.
MBE	Precious Communications, Inc.
MBE	Profitable Products Corporation
MBE	The Pyramid Cleaning Group, Inc.
MBE	R & R Waste Disposal, Inc.
MBE	R.W. Delivery, Inc.
MBE	Pay Bertolini Trucking Co.
MBE	Resurrected Construction
MBE	US Fire & Safety Company, Inc.
MBE/FBE	Affordable Staffing Employment Services
MBE/FBE	Creative Painting

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 643-04.

By Council Members Cintron, Zone, Coats, Brady, Westbrook, Conwell, Rybka, Lewis, Britt, Cimperman, Dolan, Gordon, Jackson, Johnson, Jones, O'Malley, Pierce Scott, Polensek, Reed, Sweeney and White.

An emergency resolution supporting the employees of the Cleveland Public Library System and the Service Employees International Union District 1199 in its effort to negotiate library workers' rights and benefits with the Cleveland Public Library Board and urging an expeditious and reasonable settlement between the union and the Library Board.

Whereas, in May, 2003, the taxpayers of the City of Cleveland voted overwhelmingly to increase property taxes to support the Cleveland Public Library; and

Whereas, said property tax increase will generate an average of \$14 million dollars per year for the next five years; and

Whereas, the tax levy was supported by Cleveland City Council; and

Whereas, Cleveland Public Library is currently in negotiations with the library employee union, Service Employees International Union District 1199; and

Whereas, the Cleveland Public Library is wasting thousands of tax dollars in such contract negotiations attempting to take away longstanding benefits and rights from the library employees; and

Whereas, the Cleveland Public Library proposes to subcontract book preparation and cataloging work to southern states without providing any documentation that shows savings to the library; and

Whereas, such proposal would send tax dollars out of the City and further reduce the City's shrinking tax base; and

Whereas, the Cleveland Public Library is increasing the number of part-time jobs over additional good, full-time jobs that could support Clevelanders and their families; and

Whereas, the Cleveland Public Library refuses to provide health care coverage for part-time employees; and

Whereas, Service Employees International Union District 1199 has set a strike date for April 20, 2004; and

Whereas, such a strike will hurt the Cleveland Public Library, the City of Cleveland and the entire community; and

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

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

Section 1. That this Council hereby supports the employees of the Cleveland Public Library System and the Service Employees International Union District 1199 in its effort to negotiate library workers' rights and benefits with the Cleveland Public Library Board and urges an expeditious and reasonable settlement between the union and the Library Board.

Section 2. That the Clerk is hereby directed to transmit certified copies of this resolution to Andrew Venable, Director of the Cleveland Public Library, the Board of

Trustees of the Cleveland Public Library, and to the appropriate representatives of the Service Employees International Union District 1199 and the Board of the Cleveland Municipal School District.

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

Adopted April 19, 2004.

Effective April 20, 2004.

Res. No. 644-04.

By Council Member Britt.

An emergency resolution objecting to the transfer of Liquor License of a C2 Liquor Permit to 10716 Woodland Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2 Liquor Permit from Drug World, Inc., 12201 Larchmere Avenue, Cleveland, Ohio 44120, Permanent Number 2315633 to Husnia, Inc., DBA Savelliner Square Deal, 10716 Woodland Avenue, Cleveland, Ohio 44120, Permanent Number 40910710005; 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 Liquor License of a C2 Liquor Permit from Drug World, Inc., 12201 Larchmere Avenue, Cleveland, Ohio 44120, Permanent Number 2315633 to Husnia, Inc., DBA Savelliner Square Deal, 10716 Woodland Avenue, Cleveland, Ohio 44120, Permanent

Number 40910710005 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 19, 2004.

Effective April 26, 2004.

Res. No. 645-04.

By Council Member Britt.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 10716 Woodland Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of ownership of a C1 Liquor Permit from Husnia, Inc., DBA Savelliner Square Deal, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 40910710005 to Amanah Foods, Inc., DBA Savelliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0172762; 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 ownership of a C1 Liquor Permit from Husnia, Inc., DBA Saveliner Square Deal, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 40910710005 to Amanah Foods, Inc., DBA Saveliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0172762 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 19, 2004.

Effective April 26, 2004.

Res. No. 646-04.

By Council Member Gordon.
An emergency resolution objecting to a New C2 Liquor Permit at 3787 Pearl Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #25, 3787 Pearl Road, Cleveland, Ohio 44109, Permanent Number 01007780410; 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 C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #25, 3787 Pearl Road, Cleveland, Ohio 44109, Permanent Number 01007780410 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 19, 2004.

Effective April 26, 2004.

Ord. No. 774-03.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7611 Sagamore Avenue to Steven Broadnax and Karla L. Broadnax.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-105, as more fully described below, to Steven Broadnax and Karla L. Broadnax.

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

P. P. No. 118-09-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in George N. Spangler's Subdivision of part of Original One Hundred Acre Lots Nos. 339 and 342 as shown by the recorded plat in Volume 24 of Maps, Page 22 of Cuyahoga County Records and being 35 feet front on the Northerly side of

Sagamore Avenue (formerly Sagamore Street) and extending back of equal width 110 feet, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 2046-03.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6107 Quimby Avenue to Bernard Lemon and Eloise Lemon.

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

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

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

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

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

Permanent Parcel No(s). 104-21-091, as more fully described below, to Bernard Lemon and Eloise Lemon.

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

P. P. No. 104-21-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 340, and bounded and described as follows:

Beginning at a point on the Northerly line of Quimby Avenue, N.E., 1055 feet Easterly from the Easterly line of East 55th Street, (formerly Willson Avenue); thence Easterly along the Northerly line of Quimby Avenue, N.E., 35 feet; thence Northerly parallel with East 55th Street, 140 feet; thence Westerly parallel to Quimby Avenue, 35 feet; thence Southerly parallel with East 55th Street, 140 feet to the place of beginning, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

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

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

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

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

Passed April 19, 2004.
Effective April 26, 2004.

Ord. No. 2362-03.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 66th Street to Tamara D. McCrimon.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-14-104, as more fully described below, to Tamara D. McCrimon.

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

P. P. No. 106-14-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 47 and 49 in Samuel B. Strang's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 66th Street, at the Northeastly corner of land conveyed to Eileen H. Welch by deed dated December 31, 1954 and recorded in Volume 8264, Page 355 of Cuyahoga County Records; thence Northerly along the Westerly line of East 66th Street, 12 feet to the Southeastly corner of land entitled Parcel B in the deed to Keystone Mortgage Corporation by deed dated January 1, 1959 and recorded in Volume 9717, Page 182 of Cuyahoga County Records; thence Westerly along a Southerly line of land so conveyed to Keystone Mortgage Corporation, 50 feet to an angle; thence Southerly along a Westerly line of land so conveyed, 12 feet to an angle; thence Easterly along the Northerly line of land so conveyed, 50 feet to the place of beginning, 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.

Passed April 19, 2004.
Effective April 26, 2004.

Ord. No. 2456-03.
By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Nigel Chung.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-22-065, as more fully described below, to Nigel Chung.

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

P. P. No. 118-22-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 in Coleman's and Van Tine's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Subdivision in Volume 17 of Maps, Page 8 of Cuyahoga County Records. Said Sublot No. 98 has a frontage of 40 feet on the Westerly side of East 70th Street (formerly Irvington Street), and extends back 138.42 feet on the Northerly line, 138.49 on the Southerly line, and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of

Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 5-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 78th Street to Clifford Pitts, Jr. and Dorothy Pitts.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-20-077, 106-20-078 and 106-20-079, as more fully described below, to Clifford Pitts, Jr. and Dorothy Pitts.

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

P. P. No. 106-20-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 35 feet front and rear of Sublot No. 17 Buckley and Holden's Subdivision of part of Original One Hundred Acre Lot No. 391, as shown by the recorded plat in Volume 7 of Maps, Page 9 of Cuyahoga County

Records and being 35 feet front on the Easterly side of Princeton Street (now known as East 81st Street), and 143 feet deep on the Southerly line, about 144 feet 11 inches deep on the Northerly line and 35 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-20-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25 feet from front to rear of Sublot No. 10 in Mary E. and S.K. Davis' Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 39 of Cuyahoga County Records, and being 25 feet front on the Easterly side of East 81st Street (formerly Princeton Street), and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 106-20-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet from front to rear of Sublot No. 10 in the M.E. and S.E. Davis Allotment of part of Original One Hundred Acre Lot No. 391, as shown by the recorded plat in Volume 5 of Maps, Page 39 of Cuyahoga County Records, and being 25 feet front on the Easterly side of East 81st Street, and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

In the deed from Mary E. Paine and James H. Paine, to James A. Hambleton, dated October 12, 1904, filed for record October 14, 1904, and recorded in Volume 941, Page 464 of Cuyahoga County Records, conveying premises next north of premises in Schedule A, and in the deed from Mary E. Paine and James H. Paine, to John Sweeney, dated January 9, 1905, filed for record January 13, 1905 and recorded in Volume 952, Page 441 of Cuyahoga County Records, conveying premises in Schedule A, the following appears: "Subject to a common driveway 10 feet in width extending back through the center of said Sublot No. 10, 75 feet from the front hereof."

Also subject to all zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain

such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 110-04.

By Council Member Pierce Scott.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Glenville Development Corporation or designee.

Whereas, the City of Cleveland adopted and implemented 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. 109-10-102, as more fully described below, to Glenville Development Corporation or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 109-10-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 18 and part of Sublot Nos. 21, 22 and 23 in M.H. Solloway's Subdivision of part of Original One Hundred Acre Lot No. 385, as shown by the recorded plat in Volume 16 of Maps, Page 6 of Cuyahoga County Records, and part of Sublot No. 11 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Tanner Avenue, N.E. at the North-easterly corner of said Sublot No. 18; thence Westerly along said Southerly line of Tanner Avenue, N.E., 46 feet to the Northwesterly corner of

said Sublot No. 18; thence Southerly along the Westerly line of said Sublot No. 18, about 144-68/100 feet to the Northeasterly corner of said Sublot No. 11; thence Southerly on a line at right angles with the Northerly line of said Sublot No. 11, about 40 feet to the Southerly line of said Sublot No. 11; thence Easterly along the Southerly line of said Sublot No. 11, about 5-12/100 feet to the Southeastery corner thereof; thence Northerly along the Easterly line of said Sublot No. 11, about 16/100 feet to the Southwestery corner of said Sublot No. 23, thence Easterly along the Southerly line of said Sublot No. 23, 47-21/100 feet to the Southwestery corner of land conveyed to Evelyn Rose Drucker and Sylvia Persky by deed dated October 30, 1920, and recorded in Volume 2472, Page 9 of Cuyahoga County Records, thence Northerly along the Westerly line of land so conveyed to Evelyn Rose Drucker and Sylvia Persky 30 feet to the Northwestery corner thereof; thence Easterly along the Northerly line of said Sublot No. 23, 5 feet, thence Northerly on a line parallel to the Westerly line of said Sublot Nos. 22 and 21, 60 feet to a point on the Northerly line of said Sublot No. 21, 30 feet Easterly, measured along said Northerly line, from the Northwestery corner thereof; thence Westerly along the Northerly line of said Sublot No. 21, 30 feet to the Northwestery corner thereof, thence Northerly along the Easterly line of said Sublot No. 18, 87-87/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. 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. 109-10-108 as more fully described below to Glenville Development Corporation or designee.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 24 in M.H. Solloway's Subdivision of part of Original One Hundred Acre Lot No. 385 as shown by the recorded plat in Volume 16 of Maps, Page 6 of Cuyahoga County Records, and being 30 feet front on the Westerly side of Haven Street (now known as East 102nd Street) 142.21 feet deep on the Northerly line, 138.38 feet deep on the Southerly line, and 30.25 feet in the rear, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 5. 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. 109-10-118 as more fully described below, to Glenville Development Corporation or designee.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of Sublot No. 14 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 101st Street (formerly Eaton Street) and extending back 102.71 feet deep on the Northerly line, about 106.55 feet deep on the Southerly line and having rear line of about 30.25 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 7. 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. 109-10-119 as more fully described, to Glenville Development Corporation or designee.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 12 and 14 and all of Sublot No. 13 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of East 101st Street distant 34 feet 3 inches Northerly from the Southwest corner of said Sublot No. 12 measured along said Easterly line of East 101st Street, which place of beginning is the Northwest corner of Parcel No. 1 of land conveyed by the Heirs of William Grigsby to Herbert G. Grigsby by deed dated May 1, 1934 and recorded in Volume 4363, Page 43 of Cuyahoga County Records; thence Northerly along the Easterly line of said East 101st Southerly about 52 feet 9 inches to the Southerly line of land conveyed to Gilbert Lindsay and Lavinia Lingsay to Agnes Klinker by deed dated November 14, 1911, and recorded on November 17, 1911, in Volume 1369, Page 154 of the deed records of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Agnes Klinker to the Easterly line of said Sublot No. 14; thence Southerly along the Easterly line of said Sublot Nos. 12, 13 and 14 to the Northeasterly corner of land so conveyed to Herbert G. Grigsby; thence Westerly along the Northerly line of land conveyed to Herbert G. Grigsby to the place of beginning.

Also subject to all zoning ordinances, if any.

Section 9. 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. 109-10-120 as more fully described below, to Glenville Development Corporation or designee.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 12 in G.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 101st Street (formerly Eaton Street) at the Southwestery corner of Sublot No. 12; thence Northerly along the Easterly line of East 101st Street, 34 feet 3 inches; thence Easterly parallel with the Southerly line of Sublot No. 12 to the Northeasterly line of Sublot No. 12; thence Southeastery along the Northeasterly line of Sublot No. 12 to the Southeastery corner thereof; thence West along the Southerly line of Sublot No. 12, 117.70 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to driveway easement in Volume 4453, Page 48 of Cuyahoga County Records dated May 1, 1934.

Subject to driveway easement recited in Volume 4365, Page 50 of Cuyahoga County Records dated May 1, 1934.

Also subject to zoning ordinances, if any.

Section 11. 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. 109-10-122 as more fully described below, to Glenville Development Corporation or designee.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in the C.C. Baldwin's Allotment of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 101st Street, and extending back 122.82 feet on the Northerly line 127.05 feet on the Southerly line and having a rear line of 40.33 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. 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. 109-10-125 as more fully described below, to Glenville Development Corporation or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 6 and 7 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lot Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of said Sublot No. 6 distant North 83° 7' 0" East, measured along Southerly line, 57.80 feet from the Easterly line of East 101st Street; thence North 6° 53' 0" West, parallel with the Easterly line of East 101st Street, 66.00 feet; thence North 83° 7' 0" East, parallel with the Northerly line of said Sublot No. 7 30.20 feet; thence South 6° 53' 0" East, 66.00 feet to the Southerly line of said Sublot No. 6; thence South 83° 7' 0" West along the Southerly line of said Sublot No. 6, 30.20 feet to the place of beginning, according to the survey of Charles W. Root, registered professional engineer and surveyor, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 15. 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. 109-10-133 as more fully described below, to Glenville Development Corporation or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40.35 feet on the Westerly side of East 101st Street (formerly Easton Street) and extending back 112.81 feet deep on the Northerly line, which is also the Southerly line of Tanner Avenue, N.E., 112 feet on the Southerly line, and having a rear line of 53.87 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. 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. 109-10-156 as more fully described below, to Glenville Development Corporation or designee.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-156

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lot Nos. 384 and 385, said Sublot No. 47 is 38.22 feet front on the Westerly side of Norwich Street (now known as East 100th Street) and extends back 112.81 feet deep on the Northerly line, 112 feet on the Southerly line and is 51.74 feet wide at the rear, according to the plat recorded in Volume 17, Page 17 of Cuyahoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 48, the Northerly part, in the Charles C.

Baldwin's Subdivision of part of Original One Hundred Acre Lot Nos. 384 and 385, and being the Northerly 12 feet running parallel from front to rear of said Sublot No. 48 on the Westerly side of Norwich Street (now known as East 100th Street) and having a depth of 112 feet.

Also subject to zoning ordinances, if any.

Section 19. 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. 109-10-173 as more fully described below, to Glenville Development Corporation or designee.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-173

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 6 and 7 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Easterly line of East 101st Street at the Northwesterly corner of said Sublot No. 7; thence North 83° 7' 0" East, along the Northerly line of said Sublot No. 7, 138-19/100 feet to the Northeasterly corner thereof; thence South 14° 11' 0" East, along the Northeasterly line of said Sublot Nos. 7 and 6, 46-51/100 feet; thence South 83° 7' 0" West, parallel with the Northerly line of said Sublot No. 7 31-60/100 feet; thence North 6° 53' 0" West, parallel with the Easterly line of East 101st Street, 11-00/100 feet; thence South 83° 7' 0" West, 4-00/100 feet; thence North 6° 53' 0" West, 13-13/100 feet; thence Northwesterly, 12-57/100 feet along the arc of a circle deflecting to the left having a radius of 8-00/100 feet and a chord which bears North 51° 53' 0" West, 11-31/100 feet; thence South 83° 7' 0" West 42-70/100 feet; thence South 6° 53' 0" East, 66-11/100 feet to the Southerly line of said Sublot No. 6; thence South 83° 7' 0" West, along the Southerly line of said Sublot No. 6, 57-80/100 feet to the Easterly line of East 101st Street; thence North 6° 53' 0" West along the Easterly line of East 101st Street, 80-00/100 feet to the place of beginning according to the survey of Charles W. Root, Registered Professional Engineering and Surveyor.

Subject to zoning ordinances, if any.

Section 21. 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. 109-10-174 as more fully described below, to Glenville Development Corporation or designee.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-174

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of

Sublot Nos. 6 and 7 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records;

Beginning at a point in the Southerly line of said Sublot No. 6 distant North 83° 7' 00" East, measured along said Southerly line, 88-00/100 feet from the Easterly line of East 101st Street; thence North 6° 53' 00" West, parallel with the Easterly line of East 101st Street, 66-00/100 feet; thence North 83° 7' 00" East, parallel with the Northerly line of said Sublot No. 7, 12-50/100 feet; thence Southeasterly 12-57/100 feet along the arc of a circle deflecting to the right having a radius of 8-00/100 feet and a chord which bears South 51° 53' 00" East, 11-31/100 feet; thence South 6° 53' 00" East, 13-13/100 feet; thence North 83° 07' 00" East, 4-00/100 feet; thence South 6° 53' 00" East, 11-00/100 feet; thence North 83° 07' 00" East, 31-60/100 feet to a point in the North-easterly line of said Sublot No. 6 distant South 14° 11' 00" East, measured along the Northeasterly line of said Sublot Nos. 7 and 6, 46-51/100 feet from the Northeasterly corner of said Sublot No. 7; thence South 14° 11' 00" East, along the North-easterly line of said Sublot No. 6, 34-15/100 feet to the Southeasterly corner thereof; thence South 83° 07' 00" West, along the Southerly line of said Sublot No. 6, 60-44/100 feet to the place of beginning, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor.

Section 23. 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 24. 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 25. 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 26. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 213-04.
By Council Member Britt.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 100th Street to Fairfax Renaissance Development Corporation.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, 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). 121-18-143, as more fully described below, to Fairfax Renaissance Development Corporation.

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

P. P. No. 121-18-143

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 66 in the Jane Sayle and others Subdivision of part of Original One Hundred Acre Lot No. 409, as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 100th Street and extending back of equal width, 125 feet deep, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

Community Development or the Director of Law.

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

Passed April 19, 2004.
 Effective April 26, 2004.

Ord. No. 265-04.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Burten, Bell, Carr Development, Inc.

Whereas, the City of Cleveland adopted and implemented 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. 103-24-029 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 103-24-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in Pitkin and Watterson's Allotment of part of Original Ten Acre Lot No. 71 as shown by the recorded plat in Volume 4 of Maps, Page 7 of Cuyahoga County Records, and being 36 feet 8 inches front on the Westerly side of East 46th Street and 140 feet 9 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. 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. 103-25-031 as more fully described below to Burten, Bell, Carr Development, Inc.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-25-031

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being the Southerly 50 feet of Sublot No. 61 in W.J. Gordon's Subdivision of part of Original Ten Acre Lot Nos. 71, 72 and 73, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 57 of Cuyahoga County Records. Said Southerly 50 feet of Sublot No. 61 has a frontage of 50 feet on the Easterly side of East 46th Street (formerly Kennard Street), and extends back between parallel lines 150 feet according to said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 5. 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. 103-25-032 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-25-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 45 feet of Sublot No. 60 and the Northerly 10 feet of Sublot No. 61 in W.J. Gordon's Subdivision of part of Original Ten Acre Lot Nos. 71, 72 and 73, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 57 of Cuyahoga County Records. Said parts of said Sublot Nos. 60 and 61 together form a parcel of land having a frontage of 55 feet on the Easterly side of East 46th Street (formerly Kennard Street), and extends back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 7. 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. 103-25-033 as more fully described, to Burten, Bell, Carr Development, Inc.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-25-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet from front to rear of Sublot No. 59 and the Northerly 15 feet from front to rear of Sublot No. 60 in W.J. Gordon's Allotment of part of Original Ten Acre Lot Nos. 71, 72, and 73, as shown by the recorded plat in Volume 5 of Maps, Page 57 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Easterly side of Kennard Street, now known as East 46th Street, and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. 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. 103-31-101 as more fully described below, to

Burten, Bell, Carr Development, Inc. Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-31-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 284 and the Northerly 2 feet from front to rear of Sublot No. 285 in Leonard Case's Subdivision of part of Original Ten Acre Lot Nos. 44, 45, 46 and 47, as shown by the recorded plat in Volume 8 of Maps, Page 36 of Cuyahoga County Records, and together forming a parcel of land 52 feet front on the Easterly side of East 39th Street (formerly Osborn Street), and extending back 124 feet 8-1/2 inches deep on the Northerly line about 124 feet 9 inches deep on the Southerly line and 52 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. 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. 118-22-095 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 49 in Payne-Clark Re-Allotment of their Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. 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. 118-22-096 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 50 in Payne and Clark's Allotment of a part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 11 of Maps, Page 33 of Cuyahoga County Records. Sublot No. 50 has a frontage of 40 feet on the Westerly side of East 69th Street (formerly Jessie Street) and extends back of equal width 137.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 15. 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. 118-22-097 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 51 in Clark and Payne's Re-Allotment of their Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Re-Allotment in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and being 40-17/100 feet front on the Westerly side of Jessie Street, (now known as East 69th Street) and extending back of equal width 137 75/100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 17. 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. 118-29-022 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-29-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 109 in the Chamberlain Allotment of part of Original One Hundred Acre Lot Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 63rd Street (60 feet wide) at its intersection with the Northerly line of said Sublot No. 109; thence Westerly along the Northerly line of said Sublot No. 109, 115 feet to a point; thence Southerly and parallel to the Westerly line of East 63rd Street, as aforesaid, 8 feet to a point; thence Easterly and parallel with the Northerly line of said Sublot No. 109, 35 feet to a point; thence Southerly and parallel with the Westerly line of East 63rd Street, as aforesaid 30 feet to a point; thence Easterly and parallel with the Northerly line of said Sublot No. 109, 80 feet to the Westerly line of East 63rd Street, as aforesaid, thence Northerly along said Westerly line of East 63rd Street, 38 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to easement recited in Volume 8017, Page 263 of Cuyahoga County Records filed February 16, 1954.

Also subject to zoning ordinances, if any.

Section 19. 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. 118-29-084 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-29-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in the Chamberlain Allotment of part of Original One Hundred Acre Lot Nos. 344 and 335, as shown by

the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Lodge Avenue (now known as East 61st Street) and extending back of equal width 160 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 21. 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. 118-29-095 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-29-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 83 in the W.S. and M.W. Chamberlains Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, 40 feet front on the Easterly side of East 61st Street extending back of equal width 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. 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. 118-29-114 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 24. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-29-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 109 in the Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being bounded and described as follows:

Beginning in the Westerly line of East 63rd Street at its intersection with the Southerly line of said Sublot No. 109; thence Westerly, along the Southerly line of said Sublot No. 109, 160 feet to the Westerly line of said Sublot No. 109; thence Northerly, and along the Westerly line of said Sublot No. 109, 40 feet to the Northerly line of said Sublot No. 109; thence Easterly, and along the Northerly line of said Sublot No. 109, 45 feet to a point; thence Southerly, and parallel with the Westerly line of East 63rd Street as aforesaid, 8 feet to a point; thence Easterly, and parallel with the Northerly line of Sublot No. 109, 35 feet to a point; thence Southerly, and parallel with the Westerly line of East 63rd Street as aforesaid, 30 feet to a point; thence Easterly, and parallel with the Northerly line of said Sublot No. 109, 80 feet to a point in the Westerly line of East 63rd Street as aforesaid; thence Southerly, along the Southerly line of East 63rd Street as aforesaid, 2 feet to the place of beginning, be the same more or less, but subject to all legal highways.

The above described premises are together with an easement for ingress and egress on or over the following-described stripped of land:

Beginning in the Westerly line of East 63rd Street (60 feet wide), at a point distant 2 feet Northerly, as measured along said Westerly line of East 63rd Street form its intersection with the Southerly line of said Sublot No. 109; thence Westerly, and parallel with the Northerly line of said Sublot No. 109, 80 feet to a point; thence Northerly and parallel with the Westerly line of East 63rd Street as aforesaid, 2 feet to a point; thence Easterly, and parallel with a Northerly line of said Sublot No. 109, 80 feet to a point in the Westerly line of East 63rd Street as aforesaid; thence Southerly 2 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 25. 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 26. 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 27. 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 28. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 19, 2004.
Effective April 26, 2004.

Ord. No. 266-04.
By Council Member Johnson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Sophia Avenue to Olive Grove Missionary Baptist Church.

Whereas, the City of Cleveland adopted and implemented 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. 126-37-051 as more fully described below, to Olive Grove Missionary Baptist Church.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 126-37-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 27 feet of Sublot No. 12, and the Easterly 33 feet of Sublot No. 15 in Stewart and Crowell's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, together forming a parcel of land 60 feet front on the Northerly side of Sophia Avenue, and extending back of equal width 102 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. 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. 126-37-052 as more fully described below to Olive Grove Missionary Baptist Church.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-37-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 21 feet of Sublot No. 11 and the Easterly 9 feet of Sublot No. 12 in J.S. Stewart and G.W. Cromwell's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425, as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, together forming a parcel of land 30 feet front on the Northerly side of Sophia Avenue, S.E. and extending back of equal width 102 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 5. 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. 126-37-053 as more fully described below, to Olive Grove Missionary Baptist Church.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-37-053

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being the Easterly 15 feet from front to rear of Sublot No. 11 and the Westerly 15 feet from front to rear of Sublot No. 8 in Stewart and Crowell's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425 as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Northerly side of Sophia Street (now know as Sophia Avenue), and extending back of equal width 102 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. 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. 126-37-054 as more fully described, to Olive Grove Missionary Baptist Church.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-37-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 5 feet from front to rear of Sublot No. 7 and the Easterly 25 feet from front to rear of Sublot No. 8 on J.S. Stewart and G. W. Crowell's Subdivision of part of Original One Hundred Acre Lot Nos. 424 and 425 as shown by the recorded plat in Volume 7 of Maps, Page 21 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Northerly side of Sophia Street, (now known as Sophia Avenue) and extending back 102 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. 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 10. 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 11. 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 12. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 19, 2004.
Effective April 26, 2004.

Ord. No. 317-04.

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

An emergency ordinance authorizing the Director of Finance to enter into contract with HealthServe, LLC to provide professional services necessary to invoice and collect fees for the costs of the Division of Fire responding to motor vehicle accidents in accordance with a schedule of fees to be established by the Director of Public Safety with approval of the Board of Control, and authorizing the Directors of Finance and Public Safety to establish policies and procedures to implement this program.

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

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

Section 1. That the Director of Finance is authorized to enter into contract with HealthServe, LLC to provide professional services necessary to invoice and collect the fees established under Section 3 for the costs of the Division of Fire responding to motor vehicle collisions and incidents. The term of the contract shall be for a period of not to exceed five years.

Section 2. That pursuant to 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 effectuate such cooperative efforts and may enter into contract with the vendors selected through that cooperative process.

Section 3. That any contract entered into under the authority of Section 1 or Section 2 shall contain such terms and conditions as necessary, in the opinion of the Director of Finance or the Director of Law, to protect the interests of the City.

Section 4. That the Director of Public Safety is authorized to establish a schedule of fees with approval of the Board of Control to be charged to the person(s) responsible for a motor vehicle collision or incident, or their insurance carrier(s), when the Division of Fire responds to the scene. The fees shall not exceed the actual costs to Division of Fire of the responding to the scene.

Section 5. That the Directors of Finance and Public Safety may establish billing procedures and policies to carry out the purposes of this legislation.

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 April 19, 2004.

Effective April 26, 2004.

Ord. No. 336-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with CMC & M Inc. to provide for a ten-year, sixty per-

cent tax abatement for new personal property on new machinery and equipment located at 17109 South Miles Road in the Cleveland Area Enterprise Zone.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, CMC & M Inc. (the "Enterprise") has proposed to expand its facility located at 17109 South Miles Road in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on certain personal property for new machinery and equipment were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for certain personal property; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 336-04-A terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions the Director deems necessary to protect the City's interest.

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 April 19, 2004.

Effective April 26, 2004.

Ord. No. 341-04.

By Council Member Pierce Scott. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Ostend Avenue to Maher J. Ali.

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). 109-09-138, as more fully described below, to Maher J. Ali.

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

P. P. No. 109-09-138

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 301 in B. Schatzinger's Superior Park Subdivision of part of Original One Hundred Acre Lot No. 377, as shown by the recorded plat in Volume 35 of Maps, Page 20 of Cuyahoga County Records and being 40 feet front on the Northerly side of Ostend Avenue, N.E., and extending back of equal width 87.50 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easement recorded in Volume 1201, Page 456 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as

may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 424-04.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from Ohio Job & Family Services, Workforce Development, for the Reed Act Grant Program; and authorizing the purchase by one or more requirement contracts of computer hardware and software, and appurtenances, furniture, equipment, supplies, resources, and services for use by the One-Stop Career Center.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$225,806.00, from Ohio Job & Family Services, Workforce Development, to conduct the Reed Act Grant Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 424-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Economic Development 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 the grant term of the necessary items of

outreach and educational materials targeted at users of One-Stop employment and workforce information services; computer equipment, network equipment, telecommunications equipment, application development, and other technology resources, including assisted technology, that support One-Stop employment and workforce information service delivery; and equipment, furniture, and resources for resource rooms in the One-Stop Career Center, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Economic Development. 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 4. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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 April 19, 2004.

Effective April 26, 2004.

Ord. No. 482-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 59952 with Ruthie and Moe's MidTown Diner, Inc. to change the terms of the loan entered into to partially finance the purchase of machinery, equipment, furniture and fixtures for the property located at 4002 Prospect Avenue.

Whereas, under Ordinance No. 422-04, passed March 11, 2002, the Director of Economic Development entered into an agreement with Ruthie and Moe's MidTown Diner, Inc. for a loan to partially finance the purchase of machinery, equipment, furniture and fixtures for the property located at 4002 Prospect Avenue; and

Whereas, additional assistance is necessary; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 59952 with Ruthie and Moe's MidTown Diner, Inc. to change the interest rate of repayment and the term and amortization of the loan, as described in File No. 422-02-B. All other terms and conditions contained the original loan shall remain the same.

Section 2. That the amendment shall be prepared by the Director of Law and shall contain additional provisions that the Director of Law deems necessary to protect and benefit the public interest.

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 638-04.

By Council Member Brady.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Westtown Community Development Corporation for their Residential Home Repair Rebate Program in order to carry out the public purpose of providing home repair assistance to the residents of the City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Westtown Community Development Corporation for their Residential Home Repair Rebate Program in order to carry out the public purpose of providing home repair assistance to the residents of the City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

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

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

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 639-04.**By Council Member Conwell.**

An emergency ordinance authorizing the Director of Public Health to enter into a grant agreement with the American Red Cross, Greater Cleveland Chapter for their Together We Prepare program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Public Health is authorized to enter into a grant agreement with the American Red Cross, Greater Cleveland Chapter for their Together We Prepare program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$23,500 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 April 19, 2004.

Effective April 26, 2004.

Ord. No. 640-04.**By Council Member Zone.**

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Esperanza, Inc for their Prime Time for Reading program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Esperanza, Inc for their Prime Time for Reading program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said

contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 641-04.**By Council Member Conwell.**

An emergency ordinance to amend Section 1 of Ordinance No. 2342-03, passed November 24, 2003 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Northeast Neighborhood Development Corporation for the Ashbury Senior Computer Community Center Program through the use of Ward 9 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 Section 1 of Ordinance No. 2342-03 passed November 24, 2003 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement effective October 1, 2003 to June 30, 2004 with the Northeast Neighborhood Development Corporation for the Ashbury Senior Computer Community Center Program for the public purpose of providing computer classes to Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 2342-03, passed November 24, 2003 is hereby repealed.

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 642-04.**By Council Member Jones.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with KaBoom! For the coordination of the installation of playground equipment at Kerruish Park.

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 enter into an agree-

ment with KaBoom! for the coordination of the installation of playground equipment at Kerruish Park. The playground equipment shall be installed in accordance with the Charter of the City of Cleveland and all relevant City ordinances and departmental playground design guidelines. The agreement authorized herein shall be reviewed and approved by the Director of Law, who shall make any changes to the agreement he deems necessary in order to protect and benefit the public interest.

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

Passed April 19, 2004.

Effective April 26, 2004.

Ord. No. 647-04.**By Council Member Conwell.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch one (1) banner at 1961 Ford Drive using C.P.P. utility poles (by separate permission) for the period from May 22, 2004 to May 23, 2004, inclusive, publicizing the Hessler Street Fair.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Hessler Neighborhood Association to install, maintain and remove one banner at 1961 Ford Avenue using C.P.P. utility poles (by separate permission), for a period from May 22, 2004 to May 23, 2004, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 19, 2004.

Effective April 26, 2004.

COUNCIL COMMITTEE MEETINGS

**Monday, April 26, 2004
11:00 a.m.**

Employment, Affirmative Action and Training Committee: Present in Employment: Lewis, Chair; Conwell, Vice Chair; Cintron, Coats, Johnson, Reed, Polensek.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney,

Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Pierce Scott, Reed, Westbrook, White.

**Tuesday, April 27, 2004
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Coats, Reed, Pierce Scott, Jones, Lewis, Zone. *Authorized Absence: Cintron.*

1:30 p.m.

Legislation Committee: CAN-CELLED

**Wednesday, April 28, 2004
10:00 a.m.**

Public Safety Committee: Present in Safety: Reed, Chair; Britt, Vice Chair; Brady, Cimperman, Coats, Conwell, Jones, Zone. *Authorized Absence: White.*

1:30 p.m.

Public Utilities Committee: Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Brady, Jones, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence: Cintron.*

Index

O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Agreements

Holland & Knight LLP — Washington lobbying services — Finance Department (O 573-04)..... 735
 Kerruish Park — playground equipment — KaBoom! (O 642-04)..... **758**
 Moore Faith Ministries — Performing Arts Education Program — Ward 2 NEF (O 716-04)..... 730
 Northeastern Neighborhood Development Corporation — Home Expo Program — Ward 9 NEF (O 715-04)..... 729
 Polish-American Cultural Center — loan three plaster casts of Chopin, Siemkiewicz, and Mickiewicz — Polish Cultural Museum (O 472-04) 734
 Storefront Renovation Program — reimburse eligible administrative costs — community development corporations (O 704-04) 721
 University Circle Inc. — Parade the Circle Celebration — Wards 6, 8, and 9 NEF (O 719-04) 730
 Urban League of Greater Cleveland — Enterprise Educational Program — Ward 2 NEF (O 717-04) 730

American Red Cross

Together We Prepare Program — Public Health — Ward 9 NEF (O 639-04)..... **758**

Appreciation

Payden, Sr., Dr. Henry J. (R 754-04) 714

Appropriations

Administrative expenses — Dep. of Community Development — Appropriating Community Development Block Grant and NEF Administrative Cost funds (O 702-04) 720

Banners

Hessler Neighborhood Association — Hessler Street Fair (O 647-04) **758**
 New Day In Hough Committee — New Day In Hough (O 724-04) 730
 St. Paul Missionary Baptist Church — St. Paul Missionary Baptist Church 75th Anniversary (O 718-04) 730

Board of Building Standards and Building Appeals

Clark Avenue, 4801, (Ward 14) — Basma A. Hamid, owner — appeal amended and resolved on 4/21/04 (Doc. A-39-02) 742
 Dunham Avenue, 6716, (Ward 7) — Luegenia Dixon Kelley, owner — appeal resolved on 4/21/04 (Doc. A-16-04) 741
 East 112th Street, 1343, (a.k.a. 1343-45 East 112th Street), (Ward 9) — SN Servicing Corp., owner — appeal resolved on 4/21/04 (Doc. A-22-04) 741
 Hampton Road, 2899, (Ward 4) — Marvin Chernin, owner — appeal adopted on 4/21/04 (Doc. A-15-04) 742
 Harvard Avenue, 13500, (Ward 2) — Synthia Moore, owner — appeal resolved on 4/21/04 (Doc. A-23-04) 741
 Heidtman Parkway, 4600, (Ward 5) — Heidtman Steel Products, Inc., owner — appeal resolved on 4/21/04 (Doc. A-34-04)..... 742

Huron Road, 840, (Ward 13) – Knights Center Corporation, owner — no action on
 4/21/04 (Doc. A-117-03) 741

Reyburn Road, 1859, (a.k.a. 1859-61 Reyburn Road), (Ward 10) – Martha J. Griffin, owner
 - appeal resolved on 4/21/04 (Doc. A-18-04) 741

Scranton Road, 2572, (Ward 14) – Charles Christopher Real Estate, LLC, c/o
 Chris Lieb owner — appeal adopted on 4/21/04 (Doc. A-17-04) 742

St. Clair Avenue, 13000, (Ward 5) – Bobby Cunningham, owner — appeal adopted on 4/21/04
 (Doc. A-4-04) 742

St. Clair Avenue, 6031, (Ward 13) – Male House I. LLC — appeal adopted on 4/21/04
 (Doc. A-134-03) 742

Thorn Avenue, 9617, (Ward 8) – Derick M. Byrd c/o AV Remodeling, Inc., owner
 - appeal adopted on 4/21/04 (Doc. A-11-04)..... 742

Board of Control — Aging Department

Cleveland — West Community Navigator program — contract per Ord. 98-04 to Kathlene Marie
 Szymanski (BOC Res. 234-04)..... 739

Board of Control — Burke Lakefront Airport Division

Automatic door repair — amend BOC Res. 74-02 — Dept. of Port Control (BOC Res. 224-04) 737

Board of Control — City Planning Commission

St. Michael Hospital property feasibility study — contract per Ord. 2152-03 to Allegro
 Realty Advisors, Ltd. — Dept. of Parks, Recreation and Properties (BOC Res. 226-04) 738

Board of Control — Cleveland Hopkins International Airport Division

Automatic door repair — amend BOC Res. 74-02 — Dept. of Port Control (BOC Res. 224-04) 737

Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction
 (Contract C-03-2) — contract per Ord. 930-95, 469-98, 327-2000 to S & E Contracting,
 a division of Smith Construction, Inc. — Dept. of Port Control (BOC Res. 225-04)..... 737

Board of Control — Community Development Department

Cardinal Road (Ward 10) — PPN 115-05-078 — to Beulah Baptist Church per Ord. 164-04
 (BOC Res. 232-04) 739

East 73rd Street, 2243 (Ward 5) — PPN 118-24-101 — to Wilbert J. Abernathy, Jr. per Ord.
 1062-2000 (BOC Res. 233-04) 739

LaGrange Avenue (Ward 7) — PPN 118-09-085 — to Rose Stewart per Ord. 2246-03 (BOC Res. 230-04) 738

Sagamore Avenue, 7717 (Ward 7) — PPN 118-09-003 (southeasterly part) — to Barry King and
 Sarita A. King (BOC Res. 229-04) 738

Utica Avenue, 5704 (Ward 7) — PPN 104-20-071 — to Ella J. Redeemen per Ord. 778-03
 (BOC Res. 228-04) 738

West 50th Street, 1854 (Ward 17) — PPN 002-35-033 — to Ohio City Near West Development
 Corporation per Ord. 168-04 (BOC Res. 231-04) 738

Board of Control — Economic Development Department

Office panels, installation and reconfiguration — per Ord. 1518-03 — all bids rejected
 (BOC Res. 227-04) 738

Board of Control — Finance Department

Cab / chassis with digger / derrick device — contract per Ord. 1169-03 to Valley Sterling
 Truck Sales, Inc. (BOC Res. 218-04) 736

Cranes, yard — contract per Ord. 1169-03 to All Erection & Crane Rental Corp. (BOC Res. 219-04)..... 736

Board of Control — Land Reutilization Program

Cardinal Road (Ward 10) — PPN 115-05-078 — to Beulah Baptist Church per Ord. 164-04
 (BOC Res. 232-04) 739

East 73rd Street, 2243 (Ward 5) — PPN 118-24-101 — to Wilbert J. Abernathy, Jr. per Ord.
 1062-2000 (BOC Res. 233-04) 739

LaGrange Avenue (Ward 7) — PPN 118-09-085 — to Rose Stewart per Ord. 2246-03 (BOC Res. 230-04) 738

Sagamore Avenue, 7717 (Ward 7) — PPN 118-09-003 (southeasterly part) — to Barry King and
 Sarita A. King (BOC Res. 229-04) 738

Utica Avenue, 5704 (Ward 7) — PPN 104-20-071 — to Ella J. Redeemen per Ord. 778-03
 (BOC Res. 228-04) 738

West 50th Street, 1854 (Ward 17) — PPN 002-35-033 — to Ohio City Near West Development
 Corporation per Ord. 168-04 (BOC Res. 231-04) 738

Board of Control — Land Reutilization Program (Ward 5)

East 73rd Street, 2243 (Ward 5) — PPN 118-24-101 — to Wilbert J. Abernathy, Jr. per Ord.
 1062-2000 (BOC Res. 233-04) 739

Board of Control — Land Reutilization Program (Ward 7)

LaGrange Avenue (Ward 7) — PPN 118-09-085 — to Rose Stewart per Ord. 2246-03 (BOC Res. 230-04) 738
 Sagamore Avenue, 7717 (Ward 7) — PPN 118-09-003 (southeasterly part) — to Barry King and
 Sarita A. King (BOC Res. 229-04) 738
 Utica Avenue, 5704 (Ward 7) — PPN 104-20-071 — to Ella J. Redeemen per Ord. 778-03
 (BOC Res. 228-04) 738

Board of Control — Land Reutilization Program (Ward 10)

Cardinal Road (Ward 10) — PPN 115-05-078 — to Beulah Baptist Church per Ord. 164-04
 (BOC Res. 232-04) 739

Board of Control — Land Reutilization Program (Ward 17)

West 50th Street, 1854 (Ward 17) — PPN 002-35-033 — to Ohio City Near West Development
 Corporation per Ord. 168-04 (BOC Res. 231-04) 738

Board of Control — Parks, Recreation and Properties Department

St. Michael Hospital property feasibility study — contract per Ord. 2152-03 to Allegro
 Realty Advisors, Ltd. — City Planning Commission (BOC Res. 226-04) 738

Board of Control — Port Control Department

Automatic door repair — amend BOC Res. 74-02 — Divisions of Burke Lakefront Airport and
 Cleveland Hopkins International Airport (BOC Res. 224-04) 737
 Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction
 (Contract C-03-2) — contract per Ord. 930-95, 469-98, 327-2000 to S & E Contracting,
 a division of Smith Construction, Inc. — Division of Cleveland Hopkins International
 Airport (BOC Res. 225-04) 737

Board of Control — Professional Service Contracts

Cleveland — West Community Navigator program — contract per Ord. 98-04 to Kathlene Marie
 Szymanski — Dept. of Aging (BOC Res. 234-04) 739
 St. Michael Hospital property feasibility study — contract per Ord. 2152-03 to Allegro
 Realty Advisors, Ltd. — Dept. of Parks, Recreation and Properties and City Planning
 Commission (BOC Res. 226-04) 738

Board of Control — Public Improvement Contracts

Distribution mains — Area 2004-B, cleaning and cement mortar lining of — contract
 per Ord. 2308-03, 161-04 to Terrace Construction Company, Inc. — Division of Water,
 Dept. of Public Utilities (BOC Res. 220-04) 736
 Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction
 (Contract C-03-2) — contract per Ord. 930-95, 469-98, 327-2000 to S & E Contracting,
 a division of Smith Construction, Inc. — Division of Cleveland Hopkins International
 Airport, Dept. of Port Control (BOC Res. 225-04) 737

Board of Control — Public Utilities Department

Distribution mains — Area 2004-A, cleaning and cement mortar lining of — contract
 per Ord. 2308-03, 161-04 to Utilicon Corp. — Division of Water (BOC Res. 223-04) 737
 Distribution mains — Area 2004-B, cleaning and cement mortar lining of — contract
 per Ord. 2308-03, 161-04 to Terrace Construction Company, Inc. — Division of Water
 (BOC Res. 220-04) 736
 Water mains (East), repair of — contract per Ord. 2311-03 to Utilicon Corp. — Division
 of Water (BOC Res. 222-04) 737
 Water mains (West), repair of — contract per Ord. 2311-03 to Terrace Construction
 Company, Inc. — Division of Water (BOC Res. 221-04) 736

Board of Control — Requirement Contracts

Automatic door repair — amend BOC Res. 74-02 — Divisions of Burke Lakefront Airport and
 Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 224-04) 737
 Cab / chassis with digger / derrick device — contract per Ord. 1169-03 to Valley Sterling
 Truck Sales, Inc. — Dept. of Finance (BOC Res. 218-04) 736

Cranes, yard — contract per Ord. 1169-03 to All Erection & Crane Rental Corp. — Dept. of Finance (BOC Res. 219-04) 736

Distribution mains — Area 2004-A, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Utilicon Corp. — Division of Water, Dept. of Public Utilities (BOC Res. 223-04) 737

Water mains (East), repair of — contract per Ord. 2311-03 to Utilicon Corp. — Division of Water, Dept. of Public Utilities (BOC Res. 222-04) 737

Water mains (West), repair of — contract per Ord. 2311-03 to Terrace Construction Company, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 221-04)..... 736

Board of Control — Water Division

Distribution mains — Area 2004-A, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Utilicon Corp. — Dept. of Public Utilities (BOC Res. 223-04) 737

Distribution mains — Area 2004-B, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Terrace Construction Company, Inc. — Dept. of Public Utilities (BOC Res. 220-04)..... 736

Water mains (East), repair of — contract per Ord. 2311-03 to Utilicon Corp. — Dept. of Public Utilities (BOC Res. 222-04)..... 737

Water mains (West), repair of — contract per Ord. 2311-03 to Terrace Construction Company, Inc. — Dept. of Public Utilities (BOC Res. 221-04)..... 736

Board of Building Standards and Building Appeals

Clark Avenue, 4801, (Ward 14) – Basma A. Hamid, owner — appeal amended and resolved on 4/21/04 (Doc. A-39-02) 742

Dunham Avenue, 6716, (Ward 7) – Luegenia Dixon Kelley, owner — appeal resolved on 4/21/04 (Doc. A-16-04) 741

East 112th Street, 1343, (a.k.a. 1343-45 East 112th Street), (Ward 9) – SN Servicing Corp., owner — appeal resolved on 4/21/04 (Doc. A-22-04)..... 741

Hampton Road, 2899, (Ward 4) – Marvin Chernin, owner — appeal adopted on 4/21/04 (Doc. A-15-04) 742

Harvard Avenue, 13500, (Ward 2) – Synthia Moore, owner — appeal resolved on 4/21/04 (Doc. A-23-04) 741

Heidtman Parkway, 4600, (Ward 5) – Heidtman Steel Products, Inc., owner — appeal resolved on 4/21/04 (Doc. A-34-04)..... 742

Huron Road, 840, (Ward 13) – Knights Center Corporation, owner — no action on 4/21/04 (Doc. A-117-03) 741

Reyburn Road, 1859, (a.k.a. 1859-61 Reyburn Road), (Ward 10) – Martha J. Griffin, owner - appeal resolved on 4/21/04 (Doc. A-18-04) 741

Scranpton Road, 2572, (Ward 14) – Charles Christopher Real Estate, LLC, c/o Chris Lieb owner — appeal adopted on 4/21/04 (Doc. A-17-04) 742

St. Clair Avenue, 13000, (Ward 5) – Bobby Cunningham, owner — appeal adopted on 4/21/04 (Doc. A-4-04) 742

St. Clair Avenue, 6031, (Ward 13) – Male House I. LLC — appeal adopted on 4/21/04 (Doc. A-134-03) 742

Thorn Avenue, 9617, (Ward 8) – Derick M. Byrd c/o AV Remodeling, Inc., owner - appeal adopted on 4/21/04 (Doc. A-11-04)..... 742

Board of Control

HealthServe, LLC — invoice and collect fees — Division of Fire responding to motor vehicle accidents — costs (O 317-04) **756**

Board of Control — Aging Department

Cleveland — West Community Navigator program — contract per Ord. 98-04 to Kathlene Marie Szymanski (BOC Res. 234-04)..... 739

Board of Control — Burke Lakefront Airport Division

Automatic door repair — amend BOC Res. 74-02 — Dept. of Port Control (BOC Res. 224-04) 737

Board of Control — City Planning Commission

St. Michael Hospital property feasibility study — contract per Ord. 2152-03 to Allegro Realty Advisors, Ltd. — Dept. of Parks, Recreation and Properties (BOC Res. 226-04) 738

Board of Control — Cleveland Hopkins International Airport Division

Automatic door repair — amend BOC Res. 74-02 — Dept. of Port Control (BOC Res. 224-04) 737

Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction (Contract C-03-2) — contract per Ord. 930-95, 469-98, 327-2000 to S & E Contracting, a division of Smith Construction, Inc. — Dept. of Port Control (BOC Res. 225-04)..... 737

Board of Control — Community Development Department

Cardinal Road (Ward 10) — PPN 115-05-078 — to Beulah Baptist Church per Ord. 164-04
 (BOC Res. 232-04) 739
 East 73rd Street, 2243 (Ward 5) — PPN 118-24-101 — to Wilbert J. Abernathy, Jr. per Ord.
 1062-2000 (BOC Res. 233-04) 739
 LaGrange Avenue (Ward 7) — PPN 118-09-085 — to Rose Stewart per Ord. 2246-03 (BOC Res. 230-04) 738
 Sagamore Avenue, 7717 (Ward 7) — PPN 118-09-003 (southeasterly part) — to Barry King and
 Sarita A. King (BOC Res. 229-04) 738
 Utica Avenue, 5704 (Ward 7) — PPN 104-20-071 — to Ella J. Redeemen per Ord. 778-03
 (BOC Res. 228-04) 738
 West 50th Street, 1854 (Ward 17) — PPN 002-35-033 — to Ohio City Near West Development
 Corporation per Ord. 168-04 (BOC Res. 231-04) 738

Board of Control — Economic Development Department

Office panels, installation and reconfiguration — per Ord. 1518-03 — all bids rejected
 (BOC Res. 227-04) 738

Board of Control — Finance Department

Cab / chassis with digger / derrick device — contract per Ord. 1169-03 to Valley Sterling
 Truck Sales, Inc. (BOC Res. 218-04) 736
 Cranes, yard — contract per Ord. 1169-03 to All Erection & Crane Rental Corp. (BOC Res. 219-04)..... 736

Board of Control — Land Reutilization Program

Cardinal Road (Ward 10) — PPN 115-05-078 — to Beulah Baptist Church per Ord. 164-04
 (BOC Res. 232-04) 739
 East 73rd Street, 2243 (Ward 5) — PPN 118-24-101 — to Wilbert J. Abernathy, Jr. per Ord.
 1062-2000 (BOC Res. 233-04) 739
 LaGrange Avenue (Ward 7) — PPN 118-09-085 — to Rose Stewart per Ord. 2246-03 (BOC Res. 230-04) 738
 Sagamore Avenue, 7717 (Ward 7) — PPN 118-09-003 (southeasterly part) — to Barry King and
 Sarita A. King (BOC Res. 229-04) 738
 Utica Avenue, 5704 (Ward 7) — PPN 104-20-071 — to Ella J. Redeemen per Ord. 778-03
 (BOC Res. 228-04) 738
 West 50th Street, 1854 (Ward 17) — PPN 002-35-033 — to Ohio City Near West Development
 Corporation per Ord. 168-04 (BOC Res. 231-04) 738

Board of Control — Land Reutilization Program (Ward 5)

East 73rd Street, 2243 (Ward 5) — PPN 118-24-101 — to Wilbert J. Abernathy, Jr. per Ord.
 1062-2000 (BOC Res. 233-04) 739

Board of Control — Land Reutilization Program (Ward 7)

LaGrange Avenue (Ward 7) — PPN 118-09-085 — to Rose Stewart per Ord. 2246-03 (BOC Res. 230-04) 738
 Sagamore Avenue, 7717 (Ward 7) — PPN 118-09-003 (southeasterly part) — to Barry King and
 Sarita A. King (BOC Res. 229-04) 738
 Utica Avenue, 5704 (Ward 7) — PPN 104-20-071 — to Ella J. Redeemen per Ord. 778-03
 (BOC Res. 228-04) 738

Board of Control — Land Reutilization Program (Ward 10)

Cardinal Road (Ward 10) — PPN 115-05-078 — to Beulah Baptist Church per Ord. 164-04
 (BOC Res. 232-04) 739

Board of Control — Land Reutilization Program (Ward 17)

West 50th Street, 1854 (Ward 17) — PPN 002-35-033 — to Ohio City Near West Development
 Corporation per Ord. 168-04 (BOC Res. 231-04) 738

Board of Control — Parks, Recreation and Properties Department

St. Michael Hospital property feasibility study — contract per Ord. 2152-03 to Allegro
 Realty Advisors, Ltd. — City Planning Commission (BOC Res. 226-04) 738

Board of Control — Port Control Department

Automatic door repair — amend BOC Res. 74-02 — Divisions of Burke Lakefront Airport and
 Cleveland Hopkins International Airport (BOC Res. 224-04)..... 737
 Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction
 (Contract C-03-2) — contract per Ord. 930-95, 469-98, 327-2000 to S & E Contracting,
 a division of Smith Construction, Inc. — Division of Cleveland Hopkins International
 Airport (BOC Res. 225-04)..... 737

Board of Control — Professional Service Contracts

Cleveland — West Community Navigator program — contract per Ord. 98-04 to Kathlene Marie Szymanski — Dept. of Aging (BOC Res. 234-04).....	739
St. Michael Hospital property feasibility study — contract per Ord. 2152-03 to Allegro Realty Advisors, Ltd. — Dept. of Parks, Recreation and Properties and City Planning Commission (BOC Res. 226-04)	738

Board of Control — Public Improvement Contracts

Distribution mains — Area 2004-B, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Terrace Construction Company, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 220-04)	736
Residential Sound Insulation Program, Phase 2 Continuation, HVAC/Electrical Construction (Contract C-03-2) — contract per Ord. 930-95, 469-98, 327-2000 to S & E Contracting, a division of Smith Construction, Inc. — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 225-04)	737

Board of Control — Public Utilities Department

Distribution mains — Area 2004-A, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Utilicon Corp. — Division of Water (BOC Res. 223-04).....	737
Distribution mains — Area 2004-B, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Terrace Construction Company, Inc. — Division of Water (BOC Res. 220-04)	736
Water mains (East), repair of — contract per Ord. 2311-03 to Utilicon Corp. — Division of Water (BOC Res. 222-04)	737
Water mains (West), repair of — contract per Ord. 2311-03 to Terrace Construction Company, Inc. — Division of Water (BOC Res. 221-04)	736

Board of Control — Requirement Contracts

Automatic door repair — amend BOC Res. 74-02 — Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 224-04)	737
Cab / chassis with digger / derrick device — contract per Ord. 1169-03 to Valley Sterling Truck Sales, Inc. — Dept. of Finance (BOC Res. 218-04).....	736
Cranes, yard — contract per Ord. 1169-03 to All Erection & Crane Rental Corp. — Dept. of Finance (BOC Res. 219-04)	736
Distribution mains — Area 2004-A, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Utilicon Corp. — Division of Water, Dept. of Public Utilities (BOC Res. 223-04)	737
Water mains (East), repair of — contract per Ord. 2311-03 to Utilicon Corp. — Division of Water, Dept. of Public Utilities (BOC Res. 222-04)	737
Water mains (West), repair of — contract per Ord. 2311-03 to Terrace Construction Company, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 221-04).....	736

Board of Control — Water Division

Distribution mains — Area 2004-A, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Utilicon Corp. — Dept. of Public Utilities (BOC Res. 223-04)	737
Distribution mains — Area 2004-B, cleaning and cement mortar lining of — contract per Ord. 2308-03, 161-04 to Terrace Construction Company, Inc. — Dept. of Public Utilities (BOC Res. 220-04).....	736
Water mains (East), repair of — contract per Ord. 2311-03 to Utilicon Corp. — Dept. of Public Utilities (BOC Res. 222-04).....	737
Water mains (West), repair of — contract per Ord. 2311-03 to Terrace Construction Company, Inc. — Dept. of Public Utilities (BOC Res. 221-04).....	736

Board of Zoning Appeals — Report

Bennington Avenue, 12913, (Ward 20) — The Catholic Diocese of Cleveland, owner c/o Kevin Burke, and White Hat Realty, d.b.a. Hope West Academy, prospective tenant — appeal heard on 4/26/04 (Cal. 04-76)	741
Benwood Avenue, 14109, (Ward 1) — Fifth Christian Church c/o Minister Mack Rice, owner, and Charles Kelley, agent — appeal heard on 4/26/04 (Cal. 04-22)	741
Broadview Road, 2118, (Ward 15) — Hikmat and Jan Dakdouk, owners — appeal postponed to 5/10/04 on 4/26/04 (Cal. 04-75).....	741
Carnegie Avenue, 3507, (Ward 5) — Julian Kahan a.k.a. JK Management LLC, owner, and Martin Benade, prospective purchaser — appeal heard on 4/26/04 (Cal. 04-58)	741
Kipling Avenue, 15712, (Ward 11) — The Catholic Diocese of Cleveland, owner c/o Kevin Burke, and White Hat Realty, d.b.a. Hope East Academy, prospective tenant - appeal heard on 4/26/04 (Cal. 04-74).....	740
Lakeshore Boulevard, 15100, (Ward 11) — St. Jerome School, c/o Reverend Thomas Haren, owner and Pat Schuerger, agent — appeal heard on 4/26/04 (Cal. 04-79)	741

Lorain Avenue, 6304, (Ward 17) – Steve Menyhart, d.b.a. Menyhart Plumbing — appeal granted and adopted on 4/26/04 (Cal. 04-52) 741

Pearl Road, 5000, (Ward 16) – Myron Kaplan, owner — appeal granted and adopted on 4/26/04 (Cal. 04-64)..... 741

Puritas Avenue, 14129, (Ward 20) – Coral Puritas Partnership, owner — appeal granted and adopted on 4/26/04 (Cal. 04-65) 741

West 47th Street, 2141, (Ward 17) – Steven Englehart, owner — appeal heard on 4/26/04 (Cal. 04-77)..... 741

West 98th Street, 3140, (Ward 18) – Gerald Zahler, d.b.a. Mutual Properties, owner - appeal granted and adopted on 4/26/04 (Cal. 04-66) 741

Board of Zoning Appeals — Schedule

Barber Avenue, 2708, (Ward 14) – William Rey, owner — appeal to be heard on 5/10/04 (Cal. 04-84)..... 740

Courtland Court, 5500, Unit 1, (Ward 17) – Denison Homes c/o Michael DeCesare — appeal to be heard on 5/10/04 (Cal. 04-67) 739

Courtland Court, 5500, Unit 2, (Ward 17) – Denison Homes c/o Michael DeCesare — appeal to be heard on 5/10/04 (Cal. 04-68) 739

Courtland Court, 5500, Unit 3, (Ward 17) – Denison Homes c/o Michael DeCesare — appeal to be heard on 5/10/04 (Cal. 04-69) 740

Courtland Court, 5500, Unit 4, (Ward 17) – Denison Homes c/o Michael DeCesare — appeal to be heard on 5/10/04 (Cal. 04-70) 740

Courtland Court, 5500, Unit 5, (Ward 17) – Denison Homes c/o Michael DeCesare — appeal to be heard on 5/10/04 (Cal. 04-71) 740

Courtland Court, 5500, Unit 6, (Ward 17) – Denison Homes c/o Michael DeCesare — appeal to be heard on 5/10/04 (Cal. 04-72) 740

Courtland Court, 5500, Unit 7, (Ward 17) – Denison Homes c/o Michael DeCesare — appeal to be heard on 5/10/04 (Cal. 04-73) 740

East 81st Street, 4087, (Ward 12) – Anthony Glinski, owner — appeal to be heard on 5/10/04 (Cal. 04-87)..... 740

State Road, 4925, (Ward 16) – The Russian Orthodox Benevolent Brotherhood of Father John Kronstasdtsky, c/o Reverend Anatol Siegien — appeal to be heard on 5/10/04 (Cal. 04-85)..... 740

West 12th Street, 2990, (Ward 13) – Jeffrey Rutshin, owner — appeal to be heard on 5/10/04 (Cal. 04-86)..... 740

Bridges

West 3rd Street vertical lift bridge — rehabilitation and reconstruction — payment of the City’s share — State of Ohio (O 530-04)..... 735

Building and Housing Department

Asbestos evaluation and Phase I environmental audits — clean-up and securing of sites — removal and disposal of underground storage tanks (O 252-04) 733

Demolition and Board-up Program — appropriating Community Development Block Grant funds (O 703-04) 720

Burke Lakefront Airport

Emergency spills — response, evaluation, handling, and disposal — professional consultants — Cleveland Hopkins International and Burke Lakefront Airports (O 695-04) 716

Loaned United States government property — Cleveland Hopkins International and Burke Lakefront Airports — new Section 139.18 (O 696-04)..... 716

City of Cleveland Bids

Bennington Avenue rehabilitation and reconstruction (W. 130th St. to east end) - Department of Public Service — Division of Engineering and Construction — per Ord. 2227-03 — bid due May 13, 2004 (advertised 4/28/2004 and 5/5/2004)..... 743

Canal Road rehabilitation (Columbus Road to Commercial Drive) — Department of Public Service — Division of Engineering and Construction — per Ord. 2242-03 — bid due May 20, 2004 (advertised 4/28/2004 and 5/5/2004) 743

Denison Avenue area water improvements — Department of Public Utilities — Division of Water — per Ord. 324-04 — bid due May 19, 2004 (advertised 4/21/2004 and 4/28/2004) 743

Fire extinguishers — Department of Finance — per Ord. 2023-03 — bid due May 14, 2004 (advertised 4/21/2004 and 4/28/2004) 742

Snow removal and heavy duty equipment with operators — Department of Port Control — per Ord. 1888-03 — bid due May 7, 2004 (advertised 4/21/2004 and 4/28/2004) 742

St. Luke’s Redevelopment, Phase II — Department of Public Service — Division of Engineering and Construction — per Ord. 579-04 — bid due May 13, 2004 (advertised 4/28/2004 and 5/5/2004) 743

Van, cargo with interior conversion package — Department of Finance — per Ord. 1169-03 - bid due May 13, 2004 (advertised 4/21/2004 and 4/28/2004)	742
City Council	
Summer schedule of meetings — 2004 (R 723-04)	732
City Planning Commission	
Hough Ave. (parcels) — between E. 65th St. & E. 71st St. — change the zoning — Single Family Residential Use District — Multi-Family Residential Use District — “A” Area Districts — “I” Height Districts (O 544-04)	735
Ohio City Historic District — establishing — Repealing Ord. No. 523-81 (O 708-04)	722
W. 79th St. — between Ferrell Ave. & Madison Ave. — change the zoning — Multi-Family Residential Use District — Parking District — “E” Area (O 215-A-04)	735
Warehouse Historic District — Establishing — Repealing Ord. No. 2705-81 (O 709-04)	723
Cleveland Hopkins International Airport	
Emergency spills — response, evaluation, handling, and disposal — professional consultants — Cleveland Hopkins International and Burke Lakefront Airports (O 695-04)	716
Loaned United States government property — Cleveland Hopkins International and Burke Lakefront Airports — new Section 139.18 (O 696-04)	716
Master Leases — various airlines — amendments (O 576-04)	735
Cleveland Housing Network	
E. 163rd St. — Land Reutilization Program (O 166-04)	733
Cleveland Municipal Court	
ACS State & Local Solutions, Inc. — contracts — parking infraction tickets and judgements (O 337-04)	733
Cleveland Municipal School District	
“two-thirds” rule — elimination — Ohio Schools Facilities Commission’s reimbursement policies — older neighborhood school — rehabilitation (R 722-04)	732
Cleveland Public Power	
Hazardous and non-hazardous waste — asbestos — test and dispose — assessment and removal (O 692-04)	715
Codified Ordinances	
Driving While Under the Influence of Alcohol or Drugs — reducing the concentration of alcohol— amend Sec. 433.01 (O 711-04)	724
Loaned United States government property — Cleveland Hopkins International and Burke Lakefront Airports — new Section 139.18 (O 696-04)	716
Property nuisances — amend Sections 209.02, 209.03, 209.04 and 209.99 (O 697-04)	716
Communications	
Indianapolis, City of — Mayor Bart Peterson — Letter receipt of Resolution No. 246-04 (F 728-04)	713
Miller, Dale State Representative — Letter receipt of Resolution No. 358-04 (F 727-04)	713
Community Development	
Administrative expenses — Dep. of Community Development — Appropriating Community Development Block Grant and NEF Administrative Cost funds (O 702-04)	720
Barber Ave. — Land Reutilization Program — Breyerwood Homes LLC. (O 714-04)	728
Bryce Ave., 16326 — Land Reutilization Program — James A. Moore and Brenda Moore (O 165-04)	733
Burten, Bell, Carr Development, Inc. — Land Reutilization Program — scattered sites (Ward 5) (O 265-04)	753
Code Enforcement Program. — administrative expenses — appropriating Community Development Block Grant funds (O 705-04)	721
Courtland Ct. — Land Reutilization Program — Denison Homes Corporation (O 273-04)	733
Demolition and Board-up Program — appropriating Community Development Block Grant funds (O 703-04)	720

E. 100th St. — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 213-04) **753**

E. 163rd St. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 166-04) 733

E. 66th St. — Land Reutilization Program — Tamara D. McCrimon (O 2362-03) **749**

E. 70th St. — Land Reutilization Program — Nigel Chung (O 2456-03) **749**

E. 78th St. — Land Reutilization Program — Clifford Pitts, Jr. and Dorothy Pitts (O 5-04) **750**

Esperanza, Inc. — Prime Time for Reading program — Ward 17 NEF (O 640-04) **758**

Fair Housing Program — Appropriating Community Development Block Grant funds (O 707-04) 721

Fleet Ave. — Land Reutilization Program — Slavic Village Development Corp. (O 712-04) 727

Glenville Development Corporation — Land Reutilization Program — scattered sites (Ward 8) (O 110-04) **750**

Kirby Manor at 11500 Detroit Avenue — redevelopment — Community Development Block Grant Float Loan — Catholic Charities Facilities Corporation (O 538-04) 735

Meech Ave. — Land Reutilization Program — Lawrence Zirker and Bruce Ison (O 713-04) 728

Moore Faith Ministries — Performing Arts Education Program — Ward 2 NEF (O 716-04) 730

Northeast Neighborhood Development Corp. — Ashbury Senior Computer Community Center Program — amend Ord. 2342-03 — Ward 9 NEF (O 641-04) **758**

Northeastern Neighborhood Development Corporation — Home Expo Program — Ward 9 NEF (O 715-04) 729

Ostend Ave. — Land Reutilization Program — Maher J. Ali (O 341-04) **756**

Project Clean Program — Appropriating Community Development Block Grant funds — expenses for the Project Clean Grant funds (O 706-04) 721

Quinby Ave., 6107 — Land Reutilization Program — Bernard Lemon and Eloise Lemon (O 2046-03) **748**

Sagamore Ave., 7611 — Land Reutilization Program — Steven Brodnax and Karla L. Brodnax (O 774-03) **748**

Sophia Ave. — Land Reutilization Program — Olive Grove Missionary Baptist Church (O 266-04) **755**

Storefront Renovation Program — agreements — reimburse eligible administrative costs — community development corporations (O 704-04) 721

Superior and Giddings Avenue — Land Reutilization Program — 6920 Superior LLC — amend Ord. No. 1510-03 (O 710-04) 724

University Circle Inc. — Parade the Circle Celebration — Wards 6, 8, and 9 NEF (O 719-04) 730

Urban League of Greater Cleveland — Enterprise Educational Program — Ward 2 NEF (O 717-04) 730

W. 48th St. — Land Reutilization Program — Urban Community School (O 264-04) 733

Westown Community Development Corp. — Residential Home Repair Rebate Program — Ward 19 NEF (O 638-04) **757**

Year 30 Community Development Block Grant — various public improvements — Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 701-04) 718

Community Development Block Grant Program

Administrative expenses — Dep. of Community Development — Appropriating Community Development Block Grant and NEF Administrative Cost funds (O 702-04) 720

Code Enforcement Program. — administrative expenses — appropriating Community Development Block Grant funds (O 705-04) 721

Demolition and Board-up Program — appropriating Community Development Block Grant funds (O 703-04) 720

Fair Housing Program — Appropriating Community Development Block Grant funds (O 707-04) 721

Project Clean Program — Appropriating Community Development Block Grant funds — expenses for the Project Clean Grant funds (O 706-04) 721

Community Relations Board

Fair Housing Program — Appropriating Community Development Block Grant funds (O 707-04) 721

Condolences

Columbo, Charles (R 739-04) 714

Constanzo, Giovanna (R 738-04) 714

Joiner, Johnnie Mae (R 735-04) 714

Naparstek, Arthur J. (R 736-04) 714

Stafford, John F. (R 737-04) 714

Tillman, Pat (R 740-04) 714

Congratulations

Coats, Martineja (R 745-04) 714

Coats, Roosevelt, Jr. (R 746-04) 714

Davis, Rev. Tyron F. (R 741-04) 714

Flynt, Timothy (R 747-04)..... 714
 Henry, Father Patrick (R 748-04) 714
 Lehmann, Herbert & Bob Princic (R 749-04) 714
 Moss, Arielle (R 742-04)..... 714
 Moss, Ronald (R 743-04) 714
 Sheridan, John (R 750-04) 714
 Shinsky, Ph. D. (R 751-04)..... 714
 Stevenson, Syretta (R 744-04)..... 714
 Waldron, Sister Angela Marie (R 752-04)..... 714

Contracts

ACS State & Local Solutions, Inc. — Cleveland Municipal Court — parking infraction
 tickets and judgements (O 337-04) 733
 Cleveland Municipal Football Association — city-wide football program (O 333-04)..... 733
 Hamilton Ave., 3100 — building improvements — State Industrial Products, Inc.
 (O 422-04) 734
 HealthServe, LLC — invoice and collect fees — Division of Fire responding to motor
 vehicle accidents — costs (O 317-04) **756**
 Integrated Consulting, Services, Ltd. — amendment to Contract No. 61630 — workers’
 compensation actuarial and auditing services (O 480-04) 734
 Kirby Manor at 11500 Detroit Avenue — redevelopment — Community Development Block Grant
 Float Loan — Catholic Charities Facilities Corporation (O 538-04)..... 735
 Radio Satellite Integrators — purchase of warranty services — Automatic Vehicle Locator
 System — equipped in vehicles (O 698-04) 717
 Recovery Resources — Employee Assistance Program — amend Ord. No. 2239-03 (O 481-04) 734
 Ruthie and Moe’s MidTown Diner, Inc. — amendment to Contract No. 59952 — 4002 Prospect
 Ave. (O 482-04) **757**

Correction Division

Psychiatric services — House of Corrections’ inmates — Cuyahoga County Metal Health
 Board (O 1982-03) 733

Cuyahoga County Mental Health Board

Psychiatric services — House of Corrections’ inmates (O 1982-03) 733

Economic Development Department

Clean Ohio Assistance Grant — remediation of a brownfield site — Wheeling and Lake Erie
 Railroad right-of-way — Slavic Village Development (O 483-04)..... 734
 CMC & M Inc. — Enterprise Zone Agreement — new personal property — 17109 South Miles
 Road (O 336-04)..... **756**
 Hamilton Ave., 3100 — building improvements — contract — State Industrial Products,
 Inc. (O 422-04) 734
 Hamilton Ave., 3100 — Enterprise Zone Agreement — State Industrial Products, Inc.
 (O 423-04) 734
 Reed Act Grant Program — grant — One-Stop Career Center — computer hardware and
 software, furniture, equipment, supplies, resources (O 424-04) **757**
 Ruthie and Moe’s MidTown Diner, Inc. — amendment to Contract No. 59952 — 4002 Prospect
 Ave. (O 482-04) **757**
 Warren Village Shopping Center — facade renovation project — grant agreement — Kamm’s
 Corners Development Corporation (O 485-04)..... 735

Emergency Medical Service Division

Radio Satellite Integrators — contracts — purchase of warranty services — Automatic
 Vehicle Locator System — equipped in vehicles (O 698-04)..... 717

Enterprise Zone Agreement

CMC & M Inc. — new personal property — 17109 South Miles Road (O 336-04) **756**
 Hamilton Ave., 3100 — State Industrial Products, Inc. (O 423-04)..... 734

Euclid Corridor Transportation Project

Bicycle-friendly city by 2010 — support — Bike Lane Design Guide (R 721-04) 731

Fees

HealthServe, LLC — invoice and collect fees — Division of Fire responding to motor
 vehicle accidents — costs (O 317-04) **756**

Finance Department

ACS State & Local Solutions, Inc. — contracts — Cleveland Municipal Court — parking
 infraction tickets and judgements (O 337-04)..... 733
 Building materials — purchase (O 466-04) 734
 Exterminating services — various divisions (O 416-04)..... 733
 HealthServe, LLC — invoice and collect fees — Division of Fire responding to motor
 vehicle accidents — costs (O 317-04) **756**
 Holland & Knight LLP — agreement — Washington lobbying services — Finance Department
 (O 573-04)..... 735
 Ready mix concrete — purchase — various divisions (O 690-04) 714
 Typewriters — maintain — various divisions (O 415-04)..... 733
 Update the indirect cost allocation plan — professional consultants (O 239-04)..... 733

Fire Division

HealthServe, LLC — invoice and collect fees — Division of Fire responding to motor
 vehicle accidents — costs (O 317-04) **756**

Gifts

Electronic booking system — hardware, software, training — Department of Parks,
 Recreation and Properties (O 699-04)..... 717

Glenville Development Corporation

Land Reutilization Program — scattered sites (Ward 8) (O 110-04) **750**

Grants

Clean Ohio Assistance Grant — remediation of a brownfield site — Wheeling and Lake Erie
 Railroad right-of-way — Slavic Village Development (O 483-04)..... 734
 Reed Act Grant Program — One-Stop Career Center — computer hardware and software,
 furniture, equipment, supplies, resources (O 424-04) **757**

Health Centers

Salting and snowplowing parking lots, walkways, and sidewalks — City health centers
 (O 419-04)..... 733

Health Department

American Red Cross, Greater Cleveland Chapter — Together We Prepare program — Public
 Health — Ward 9 NEF (O 639-04) **758**
 Mercantile Rd., 23600, Unit J — lease property — store goods — Cleveland House
 of Corrections (O 420-04)..... 734
 Property nuisances — amend Sections 209.02, 209.03, 209.04 and 209.99 (O 697-04)..... 716
 Psychiatric services — House of Corrections' inmates — Cuyahoga County Metal Health
 Board (O 1982-03) 733
 Salting and snowplowing parking lots, walkways, and sidewalks — City health centers
 (O 419-04)..... 733

House Bill

Miller, Dale State Representative — Letter receipt of Resolution No. 358-04 (F 727-04) 713

Land Reutilization Program

Barber Ave. — Breyerwood Homes LLC. (O 714-04) 728
 Bryce Ave., 16326 — James A. Moore and Brenda Moore (O 165-04) 733
 Burten, Bell, Carr Development, Inc. — scattered sites (Ward 5) (O 265-04) **753**
 Courtland Ct. — Denison Homes Corporation (O 273-04) 733
 E. 100th St. — Fairfax Renaissance Development Corporation (O 213-04) **753**
 E. 163rd St. — Cleveland Housing Network, Inc. (O 166-04)..... 733
 E. 66th St. — Tamara D. McCrimon (O 2362-03) **749**
 E. 70th St. — Nigel Chung (O 2456-03) **749**
 E. 78th St. — Clifford Pitts, Jr. and Dorothy Pitts (O 5-04) **750**
 Fleet Ave. — Slavic Village Development Corp. (O 712-04) 727
 Glenville Development Corporation — scattered sites (Ward 8) (O 110-04)..... **750**
 Meech Ave. — Lawrence Zirker and Bruce Ison (O 713-04) 728
 Ostend Ave. — Maher J. Ali (O 341-04) **756**
 Quinby Ave., 6107 — Bernard Lemon and Eloise Lemon (O 2046-03) **748**
 Sagamore Ave., 7611 — Steven Brodnax and Karla L. Brodnax (O 774-03)..... **748**
 Sophia Ave. — Olive Grove Missionary Baptist Church (O 266-04)..... **755**

Superior and Giddings Avenue — 6920 Superior LLC — amend Ord. No. 1510-03 (O 710-04).....	724
W. 48th St. — Urban Community School (O 264-04)	733

Libraries

Library workers' rights and benefits — urging expeditious and reasonable settlement — Cleveland Public Library Board (R 643-04)	747
--	------------

Liquor Permits

Bellaire Rd., 11022 — transfer (Ward 19) (F 734-04).....	713
Center St., 1672 — new (Ward 13) (F 730-04)	713
E. 14th St., 2037 — transfer (Ward 13) (F 732-04).....	713
E. 65th St., 3577 — objection (Ward 12) (R 720-04)	731
Madison Ave., 10510-12 — objection - withdraw (Ward 19) (R 726-04).....	732
Memphis Ave., 5303 — transfer (Ward 16) (F 731-04)	713
Pearl Rd., 3787 — objection (Ward 15) (R 646-04)	748
State Rd., 4497 — new (Ward 16) (F 729-04)	713
Woodland Ave., 10716 — objection (Ward 6) (R 644-04).....	747
Woodland Ave., 10716 — objection — transfer (Ward 6) (R 645-04)	747

Motor Vehicle Maintenance Division (MVM)

The McLean Co. — Wirtgen milling machine and equipment parts (O 469-04)	734
Vehicle and equipment parts, repairs, or services (O 470-04)	734

Neighborhood Equity Funds

Administrative expenses — Dep. of Community Development — Appropriating Community Development Block Grant and NEF Administrative Cost funds (O 702-04)	720
American Red Cross, Greater Cleveland Chapter — Together We Prepare program — Public Health — Ward 9 (O 639-04).....	758
Esperanza, Inc. — Prime Time for Reading program — Ward 17 (O 640-04)	758
Moore Faith Ministries — Performing Arts Education Program — Ward 2 (O 716-04)	730
Northeast Neighborhood Development Corp. — Ashbury Senior Computer Community Center Program — amend Ord. 2342-03 — Ward 9 (O 641-04)	758
Northeastern Neighborhood Development Corporation — Home Expo Program — Ward 9 (O 715-04)	729
University Circle Inc. — Parade the Circle Celebration — Wards 6, 8, and 9 (O 719-04)	730
Urban League of Greater Cleveland — Enterprise Educational Program — Ward 2 (O 717-04)	730
Westown Community Development Corp. — Residential Home Repair Rebate Program — Ward 19 (O 638-04).....	757

Parks, Recreation and Properties Department

Cleveland Municipal Football Association — contract — city-wide football program (O 333-04)	733
Electronic booking system — hardware, software, training — gift — Department of Parks, Recreation and Properties (O 699-04).....	717
Kerruish Park — playground equipment — agreement — KaBoom! (O 642-04)	758
Plumbing and heating equipment and supplies — amend Ord. No. 1956-98 (O 582-04)	735
Polish-American Cultural Center — agreement — loan three plaster casts of Chopin, Siemkiewicz, and Mickiewicz — Polish Cultural Museum (O 472-04)	734
Project Clean Program — Appropriating Community Development Block Grant funds — expenses for the Project Clean Grant funds (O 706-04)	721
Year 30 Community Development Block Grant — various public improvements — Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 701-04)	718

Permits

New Day in Hough Walk, Race and Parade — New Day In Hough Committee (O 725-04)	731
--	-----

Personnel Department

Integrated Consulting, Services, Ltd. — amendment to Contract No. 61630 — workers' compensation actuarial and auditing services (O 480-04)	734
Recovery Resources — contracts — Employee Assistance Program — amend Ord. No. 2239-03 (O 481-04)	734

Plats

Cleveland Parkway S.W. — Dedication Plat (F 670-04)	714
---	-----

St. Luke's Redevelopment, Phase 1 — Subdivision Plat (F 669-04) 713

Port Control Department

Emergency spills — response, evaluation, handling, and disposal — professional consultants — Cleveland Hopkins International and Burke Lakefront Airports (O 695-04) 716

Loaned United States government property — Cleveland Hopkins International and Burke Lakefront Airports — new Section 139.18 (O 696-04)..... 716

Master Leases — various airlines — amendments — Cleveland Hopkins International Airport (O 576-04)..... 735

Planning studies — professional consultants to prepare — amend Ord. No. 2380-02 (O 468-04)..... 734

Tyco Simplex-Grinnell — requirement contracts — computerized facility management system — maintain, repair, and expand (O 694-04)..... 716

Unarmed security guard services — purchase — various divisions (O 693-04) 716

Resolutions - Miscellaneous

“two-thirds” rule — elimination — Ohio Schools Facilities Commission's reimbursement policies — older neighborhood school — rehabilitation (R 722-04) 732

Bicycle-friendly city by 2010 — support — Bike Lane Design Guide — Euclid Corridor Transportation Project (R 721-04) 731

Library workers' rights and benefits — urging expeditious and reasonable settlement — Cleveland Public Library Board (R 643-04) **747**

Recognition

DeJarnette, Jr., Joseph (R 753-04)..... 714

Safety Department

HealthServe, LLC — invoice and collect fees — Division of Fire responding to motor vehicle accidents — costs (O 317-04) **756**

Radio Satellite Integrators — contracts — purchase of warranty services — Automatic Vehicle Locator System — equipped in vehicles (O 698-04)..... 717

Schools

“two-thirds” rule — elimination — Ohio Schools Facilities Commission's reimbursement policies — older neighborhood school — rehabilitation (R 722-04) 732

Service Department

Debris disposal services — construction and demolition — Division of Waste Collection and Disposal (O 577-04)..... 735

Hessler Neighborhood Association — (1) banner — Hessler Street Fair (O 647-04)..... **758**

New Day In Hough Committee — banners — New Day In Hough (O 724-04)..... 730

St. Paul Missionary Baptist Church — banner — St. Paul Missionary Baptist Church 75th Anniversary (O 718-04) 730

The McLean Co. — Wirtgen milling machine and equipment parts — Div. of Motor Vehicle Maintenance (O 469-04)..... 734

Tires — transfer and disposal — Division of Waste Collection and Disposal (O 575-04)..... 735

Vehicle and equipment parts, repairs, or services — Div. of Motor Vehicle Maintenance (O 470-04) 734

West 3rd Street vertical lift bridge — rehabilitation and reconstruction — payment of the City's share — State of Ohio (O 530-04)..... 735

Year 30 Community Development Block Grant — various public improvements — Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 701-04) 718

Slavic Village Development Corporation

Clean Ohio Assistance Grant — remediation of a brownfield site — Wheeling and Lake Erie Railroad right-of-way (O 483-04)..... 734

Fleet Ave. — Land Reutilization Program (O 712-04)..... 727

Statement of Work Acceptance

Utilicon Corporation — Contract 61278 — Department of Public Utilities (F 733-04)..... 713

Unions

Library workers' rights and benefits — urging expeditious and reasonable settlement — Cleveland Public Library Board (R 643-04) **747**

University Circle

University Circle Inc. — Parade the Circle Celebration — Wards 6, 8, and 9 NEF (O 719-04)	730
--	-----

Utilities Department

Backup electric generation — installing and constructing — various buildings and facilities — Division of Water (O 691-04)	714
Hazardous and non-hazardous waste — asbestos — test and dispose — assessment and removal (O 692-04)	715
Utilicon Corporation — Contract 61278 (F 733-04)	713
Year 30 Community Development Block Grant — various public improvements — Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 701-04)	718

Ward 01

Bryce Ave., 16326 — Land Reutilization Program — James A. Moore and Brenda Moore (O 165-04)	733
CMC & M Inc. — Enterprise Zone Agreement — new personal property — 17109 South Miles Road (O 336-04)	756
E. 163rd St. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 166-04)	733
Kerruish Park — playground equipment — agreement — KaBoom! (O 642-04)	758

Ward 02

Clean Ohio Assistance Grant — remediation of a brownfield site — Wheeling and Lake Erie Railroad right-of-way — Slavic Village Development (O 483-04)	734
Meech Ave. — Land Reutilization Program — Lawrence Zirker and Bruce Ison (O 713-04)	728
Moore Faith Ministries — Performing Arts Education Program — NEF (O 716-04)	730
Payden, Sr., Dr. Henry J. — appreciation (R 754-04)	714
Urban League of Greater Cleveland — Enterprise Educational Program — NEF (O 717-04)	730

Ward 03

Davis, Rev. Tyron F. — congratulation (R 741-04)	714
Payden, Sr., Dr. Henry J. — appreciation (R 754-04)	714

Ward 04

Sophia Ave. — Land Reutilization Program — Olive Grove Missionary Baptist Church (O 266-04)	755
--	-----

Ward 05

Burten, Bell, Carr Development, Inc. — Land Reutilization Program — scattered sites (O 265-04)	753
Coats, Martineja — congratulation (R 745-04)	714
Coats, Roosevelt, Jr. — congratulation (R 746-04)	714
Joiner, Johnnie Mae — condolence (R 735-04)	714
Moss, Arielle — congratulation (R 742-04)	714
Moss, Ronald — congratulation (R 743-04)	714
Naparstek, Arthur J. — condolence (R 736-04)	714
Ruthie and Moe's MidTown Diner, Inc. — amendment to Contract No. 59952 — 4002 Prospect Ave. (O 482-04)	757
St. Paul Missionary Baptist Church — banner — St. Paul Missionary Baptist Church 75th Anniversary (O 718-04)	730
Stevenson, Syretta — congratulation (R 744-04)	714

Ward 06

E. 100th St. — Land Reutilization Program — Fairfax Renaissance Development Corporation (O 213-04)	753
Naparstek, Arthur J. — condolence (R 736-04)	714
University Circle Inc. — Parade the Circle Celebration — Wards 6, 8, and 9 NEF (O 719-04)	730
Woodland Ave., 10716 — objection — liquor permit (R 644-04)	747
Woodland Ave., 10716 — objection — transfer — liquor permit (R 645-04)	747

Ward 07

E. 66th St. — Land Reutilization Program — Tamara D. McCrimon (O 2362-03)	749
E. 70th St. — Land Reutilization Program — Nigel Chung (O 2456-03)	749

E. 78th St. — Land Reutilization Program — Clifford Pitts, Jr. and Dorothy Pitts (O 5-04) 750

Hough Ave. (parcels) — between E. 65th St. & E. 71st St. — change the zoning — Single Family Residential Use District — Multi-Family Residential Use District — “A” Area Districts — “1” Height Districts (O 544-04) 735

New Day In Hough Committee — banners — New Day In Hough (O 724-04) 730

New Day in Hough Walk, Race and Parade — permit — New Day In Hough Committee (O 725-04) 731

Quinby Ave., 6107 — Land Reutilization Program — Bernard Lemon and Eloise Lemon (O 2046-03) 748

Sagamore Ave., 7611 — Land Reutilization Program — Steven Brodnax and Karla L. Brodnax (O 774-03) 748

Superior and Giddings Avenue — Land Reutilization Program — 6920 Superior LLC — amend Ord. No. 1510-03 (O 710-04) 724

Ward 08

Glenville Development Corporation — Land Reutilization Program — scattered sites (O 110-04) 750

Naparstek, Arthur J. — condolence (R 736-04) 714

Stafford, John F. — condolence (R 737-04) 714

Ostend Ave. — Land Reutilization Program — Maher J. Ali (O 341-04) 756

University Circle Inc. — Parade the Circle Celebration — Wards 6, 8, and 9 NEF (O 719-04) 730

Ward 09

American Red Cross, Greater Cleveland Chapter — Together We Prepare program — Public Health — NEF (O 639-04) 758

DeJarnette, Jr., Joseph — recognition (R 753-04) 714

Naparstek, Arthur J. — condolence (R 736-04) 714

Hessler Neighborhood Association — (1) banner — Hessler Street Fair (O 647-04) 758

Northeast Neighborhood Development Corp. — Ashbury Senior Computer Community Center Program — amend Ord. 2342-03 — NEF (O 641-04) 758

Northeastern Neighborhood Development Corporation — Home Expo Program — NEF (O 715-04) 729

University Circle Inc. — Parade the Circle Celebration — Wards 6, 8, and 9 NEF (O 719-04) 730

Ward 11

Flynt, Timothy — congratulation (R 747-04) 714

Henry, Father Patrick — congratulation (R 748-04) 714

Lehmann, Herbert & Bob Princic — congratulation (R 749-04) 714

Sheridan, John — congratulation (R 750-04) 714

Shinsky, Ph. D. — congratulation (R 751-04) 714

Waldron, Sister Angela Marie — congratulation (R 752-04) 714

Ward 12

Clean Ohio Assistance Grant — remediation of a brownfield site — Wheeling and Lake Erie Railroad right-of-way — Slavic Village Development (O 483-04) 734

E. 65th St., 3577 — objection — liquor permit (R 720-04) 731

Fleet Ave. — Land Reutilization Program — Slavic Village Development Corp. (O 712-04) 727

Ward 13

Bicycle-friendly city by 2010 — support — Bike Lane Design Guide — Euclid Corridor Transportation Project (R 721-04) 731

Center St., 1672 — new — liquor permit (F 730-04) 713

E. 14th St., 2037 — transfer — liquor permit (F 732-04) 713

Hamilton Ave., 3100 — building improvements — contract — State Industrial Products, Inc. (O 422-04) 734

Hamilton Ave., 3100 — Enterprise Zone Agreement — State Industrial Products, Inc. (O 423-04) 734

Ohio City Historic District — establishing — Repealing Ord. No. 523-81 (O 708-04) 722

Warehouse Historic District — Establishing — Repealing Ord. No. 2705-81 (O 709-04) 723

West 3rd Street vertical lift bridge — rehabilitation and reconstruction — payment of the City’s share — State of Ohio (O 530-04) 735

Ward 14

Barber Ave. — Land Reutilization Program — Breyerwood Homes LLC. (O 714-04) 728

W. 48th St. — Land Reutilization Program — Urban Community School (O 264-04) 733

Ward 15

Naparstek, Arthur J. — condolence (R 736-04)	714
Pearl Rd., 3787 — objection — liquor permit (R 646-04)	748

Ward 16

Memphis Ave., 5303 — transfer — liquor permit (F 731-04)	713
State Rd., 4497 — new — liquor permit (F 729-04)	713

Ward 17

Constanzo, Giovanna — condolence (R 738-04)	714
Courtland Ct. — Land Reutilization Program — Denison Homes Corporation (O 273-04)	733
Esperanza, Inc. — Prime Time for Reading program — NEF (O 640-04)	758
W. 79th St. — between Ferrell Ave. & Madison Ave. — change the zoning — Multi-Family Residential Use District — Parking District — "E" Area (O 215-A-04)	735

Ward 18

Columbo, Charles — condolence (R 739-04)	714
Naparstek, Arthur J. — condolence (R 736-04)	714
Kirby Manor at 11500 Detroit Avenue — redevelopment — Community Development Block Grant Float Loan — Catholic Charities Facilities Corporation (O 538-04)	735

Ward 19

Bellaire Rd., 11022 — transfer — liquor permit (F 734-04)	713
Madison Ave., 10510-12 — objection — withdraw — liquor permit (R 726-04)	732
Westown Community Development Corp. — Residential Home Repair Rebate Program — NEF (O 638-04)	757

Ward 21

Columbo, Charles — condolence (R 739-04)	714
Tillman, Pat — condolence (R 740-04)	714
Warren Village Shopping Center — facade renovation project — grant agreement — Kamm's Corners Development Corporation (O 485-04)	735

Waste Collection and Disposal Division

Debris disposal services — construction and demolition (O 577-04)	735
Tires — transfer and disposal (O 575-04)	735

Water Division

Backup electric generation — installing and constructing — various buildings and facilities (O 691-04)	714
Utilicon Corporation — Contract 61278 — Department of Public Utilities (F 733-04)	713

Water Pollution Control Division

Hazardous and non-hazardous waste — asbestos — test and dispose — assessment and removal (O 692-04)	715
--	-----

Zoning

Hough Ave. (parcels) — between E. 65th St. & E. 71st St. — change the zoning — Single Family Residential Use District — Multi-Family Residential Use District — "A" Area Districts — "1" Height Districts (O 544-04)	735
W. 79th St. — between Ferrell Ave. & Madison Ave. — change the zoning — Multi Family Residential Use District — Parking District — "E" Area (O 215-A-04)	735