

The City Record

Official Publication of the Council of the City of Cleveland



March the Second, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840
 First Assistant Clerk – Sandra Franklin

MAYOR – Jane L. Campbell

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

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

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

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

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

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

DEPT. OF PORT CONTROL – John C. Mok, Director

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

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113

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

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

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

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall

DIVISIONS: Administrative Services – Terrence Ross, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500

DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane

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

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl

Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank

G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;

Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F.

Denk, Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Teresa M. Beasley, President;

Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director

Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities

Director Julius Ciaccia; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela

Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud,

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Teresa M. Beasley; Chairman; Finance

Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald

Baulknlight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner,

Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair;

Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, MARCH 2, 2005

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CITY COUNCIL

MONDAY, FEBRUARY 28, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 28, 2005

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, Dolan, Johnson, Lewis, O'Malley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Ronayne, Rush, Williams, Fumich, Taylor, Johnson, Apollito, Brown and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Wardell Harris of Greater Harvard Avenue Church of God in Christ, located at 4086 East 131st Street in Ward 2. 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 Britt.

COMMUNICATIONS

File No. 326-05.

From Congressman Dennis J. Kucinich — Invitation to NASA Glenn Summit. Received.

File No. 327-05.

From Case Western Reserve University — copy of CASE Magazine and the University's 2002/2003 Annual Report. Received.

File No. 328-05.

From Cleveland Clinic Foundation — Cleveland Clinic Magazine, Winter 2005. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 329-05.

Re: New Application — 6548565 — 1267 West Sixth Street, LLC, first floor and basement, 1266 W. 6th St., Suite 103. (Ward 13). Received.

File No. 330-05.

Re: New Application — 00373000005 — Abu Khalid, Inc., d.b.a. Food Town Supermarket, 7516 St. Clair Avenue. (Ward 8). Received.

File No. 331-05.

Re: New Application — 2260087 — Donya Kareen, Inc., d.b.a. Quick Stop, 1054 East 71st Street, first floor front. (Ward 7). Received.

File No. 332-05.

Re: New Application — 2847850 — 4030 Convient Deli, Inc., 4030 St. Clair Avenue. (Ward 13). Received.

File No. 333-05.

Re: Transfer of Ownership Application — 9873598 — Yacoub & Randa Zaboura, d.b.a. Zabouras Market, 3152-54 West 14th Street. (Ward 13). Received.

File No. 334-05.

Re: Transfer of Ownership Application — 0683891 — Rhavna Inc., 15649 Puritas Avenue. (Ward 20). Received.

File No. 335-05.

Re: Transfer of Ownership Application — 1173338 — C.M.M.D., LLC, d.b.a. Coach's Place, 19003 St. Clair Avenue. (Ward 11). Received.

File No. 336-05.

Re: Transfer of Ownership Application — 1841378 — Crystal & George, Inc., d.b.a. Convenient Food Mart #3-053, 5741 Memphis Avenue. (Ward 16). Received.

File No. 337-05.

Re: Transfer of Ownership Application — 9862110 — Your Place Or Mine, LLC, d.b.a. Your Place & Mine,

5351-53 Dolloff Road. (Ward 5). Received.

File No. 338-05.

Re: Transfer of Ownership Application — 6549205 — 123 Food Mart, Inc., d.b.a. U.S.A. Food Mart, 1163 East 123rd Street. (Ward 9). Received.

File No. 339-05.

Re: Stock Transfer Application — 9116662 — 2976, Inc., 2976 East 116th Street. (Ward 4). Received.

PLATS

File No. 340-05.

Ashbury Towers Phase I, Resub-division of — Planned Unit Development — Part of Original Brooklyn Township Lot Number 48. (Ward 17). Received.

Referred to Committees on Public Service and City Planning.

File No. 341-05.

Courtland Court Townhouses — Subdivision Plat (Ward 17). Received.

Referred to Committees on Public Service and City Planning.

File No. 342-05.

The Cloisters-Slavic Village — Subdivision Plat. (Ward 12). Received.

Referred to Committees on Public Service and City Planning.

File No. 343-05.

Pembroke Homes Subdivision II — Lot Consolidation, Lot Split & Dedication Plat. (Ward 11). Received.

Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 319-05 — Ignatius Edward Pennica.

Res. No. 320-05 — Elnora Williams Hallom.

Res. No. 344-05 — Bessie Johnson Ferrell.

Res. No. 345-05 — Bettie D. Noy.

Res. No. 352-05 — Ramona Golden.

RECOGNITION RESOLUTIONS

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

Res. No. 346-05 — James W. Pressler.

Res. No. 347-05 — Taller Williams.

Res. No. 348-05 — Helen Thompson.

Res. No. 349-05 — Letitia Leslie.

Res. No. 350-05 — Wayne Dawson.

Res. No. 351-05 — Leon Bibb.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 265-05.

By Mayor Campbell.

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.

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 an agreement with Holland & Knight LLP for Washington lobbying services for the City of Cleveland, for the approximate sum of \$120,000, and a period not to exceed one year, payable from Fund No. 01-999800-632000, Request No. 146221.

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

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

Ord. No. 266-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing payment of membership dues of the City of Cleveland in various professional organizations.

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 cause payment of 2005 membership dues of the City of Cleveland to be made to the Ohio Municipal League, NOACA, Mayors and Managers Association, U.S. Conference of Mayors, National League of Cities, Downtown Development Corp., Greater Cleveland Partnership, and the International Trade Alliance. The membership dues for the Ohio Municipal League will include forty-five subscriptions to Cities and Village Magazine.

Section 2. That the payment for the dues and subscriptions shall be paid from Fund Nos. 01-999800-623100, 01-999800-623200, 01-999800-623300, 01-999800-623700, 01-999800-623800, 01-999800-624600, 01-999800-624700, and 01-999800-624800, Request No. 146223.

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.

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

Ord. No. 267-05.

By Council Member Jackson (by departmental request).

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

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118718)

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

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

Ord. No. 268-05.

By Council Member Jackson (by departmental request).

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

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 the rental and laundry of work clothing in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items

as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104776)

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. 269-05.

By Council Members O'Malley, Westbrook and Jackson (by departmental request).

An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons, and curbs, including adjustments of castings and landscaping, if necessary, along the public right-of-way on Woodhaven Avenue from West 63rd Street to Ridge Road, West 98th Street from Lorain Avenue to Walford Avenue and West 110th Street from Clifton Boulevard to Franklin Boulevard.

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

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

Section 1. That the assessment of the cost and expense of relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) on Woodhaven Avenue from West 63rd Street to Ridge Road, West 98th Street from Lorain Avenue to Walford Avenue and West 110th Street from Clifton Boulevard to Franklin Boulevard (the "Improvement") in the City of Cleveland, as set forth in Resolution No. 656-03, adopted April 14, 2003, as amended by Ordinance No. 1098-03, passed June 10, 2003, and amounting in the aggregate to \$583,403.93, as reported to this Council by the Commissioner of Assessments and Licenses in File No. 269-05-A, is adopted and conformed, and that there are levied and assessed on the lots and lands within the Improvement an assessment of fifty percent (50%) of the cost and expense of the Improvement, each of the several amounts reported as aforesaid, which assessments and the description of the lots and lands are now on file in the office of the Clerk of Council and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. That this Council finds and determines that the revised

assessments now on file in the office of the Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above-described improvement is to the estimated cost of the improvement as originally filed.

Section 3. That the assessment against each lot or parcel of land shall be payable in cash within forty (40) days after the passage of this ordinance or at the option of the owner in five (5) annual installments. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments remaining unpaid at the expiration of said forty (40) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

Section 4. That the Clerk of Council is directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

Section 5. That it is found and determined that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

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

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

Ord. No. 270-05.

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

An emergency ordinance authorizing an agreement between the City and the State of Ohio to replace two generators at remote locations in exchange for use by the City.

Whereas, the City owns and operates electric generators at several locations, including the Cuyahoga County Justice Center and the Sheraton Cleveland Airport Hotel, to provide back-up power for the City's 800 MHz radio system equipment; and

Whereas, the State of Ohio has proposed to replace both generators with larger generators to provide back-up power for both the City's and the State's radio system equipment at both locations; and

Whereas, the State of Ohio has proposed to allow the City's use of the back-up power in exchange for the City's agreement to maintain the generators; 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 Public Utilities is authorized to enter into an agreement with the

State of Ohio to replace two City-owned generators at the Cuyahoga County Justice Center and the Sheraton Cleveland Airport Hotel with larger generators to provide back-up power for the City's and the State's radio communications systems.

Section 2. That in consideration for the City's use of the new generators, the City will agree to maintain the generators, but the City's use will otherwise be at no cost to the City.

Section 3. That the agreement shall be prepared by the Director of Law.

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. 271-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of hardware and software upgrades for two T.V. inspection trucks, and maintenance for a one year period, for the Division of 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 contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: hardware and software upgrades for two T.V. inspection trucks, and maintenance for a one year term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water Pollution Control, Department of Public Utilities.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director 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 may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 54 SF 001, Request No. 150023.

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. 272-05.
By Council Members Cimperman, Coats and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Herschel Court area sewer mains, including installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the Herschel Court area sewer mains, including installing manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 15024.

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

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

Ord. No. 273-05.
By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make

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

Section 2. That the costs of the contract or contracts shall be 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 129209)

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

Ord. No. 274-05.
By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing or repairing existing lower roadways, replacing or repairing portions of the upper roadways, repairing or modifying the weather canopy, and constructing related tunnel infrastructure improvements; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to

make the public improvement of replacing or repairing existing lower roadways, replacing or repairing portions of the upper roadways, repairing or modifying the weather canopy, and constructing related tunnel infrastructure improvements, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 129207.

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

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

Ord. No. 275-05.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for the repair of vehicle frames and vehicle alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary for the repair of vehicle frames and vehicle alignments in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154056)

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

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

Ord. No. 276-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to repair, rebuild and replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials needed to repair, rebuild and replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154057)

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

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

Ord. No. 277-05.

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

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

Whereas, under Ordinance No. 725-02, passed August 14, 2002, as amended by Ordinance No. 1262-03, passed July 16, 2003, the City conducted a pilot program for the public improvement to repair and replace unsafe or dangerous sidewalks; and

Whereas, because of the success of the program, Council has determined to institute a permanent program based on the pilot program for; 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 Codified Ordinances of the City of Cleveland, Ohio, 1976 are supplemented by enacting Section 505.14 to read as follows:

Section 505.14 50/50 Hazardous Sidewalk Repair Program

(a) The Director of Public Service may create a program for the City to repair sidewalks on residential property in the right-of-way that are designated by the Department of Public Service as being in an unsafe or dangerous condition, when the City receives voluntary payment of fifty percent (50%) of the estimat-

ed shared costs of repair from the owner of the property on which the sidewalk is located. Shared costs shall include, but not be limited to, any cost the City or its contractor incurs, such as the cost of paving or repairing, adjustment of castings, reseeding lawns, or grinding tree roots, except that shared costs shall not include costs incurred in removing a full tree.

(b) The Director shall run the sidewalk repair program in any year that funds are appropriated for the program.

(c) The program shall be available to any property owner whose residential sidewalks are determined by the Director of Public Service to be in an unsafe or dangerous condition, on a first-come, first-served basis, to the extent funds are available.

(d) The Director shall not authorize a contractor to perform sidewalk repairs on a property until the owner has paid his or her fifty percent (50%) share based on the Director's written estimate.

(e) After the repair is completed, the Commissioner of Licenses and Assessments shall bill the owner of the property for his or her fifty percent (50%) portion of actual costs that exceed the Director's estimate. The Commissioner of Licenses and Assessments shall issue a refund to the owner of the property for his or her fifty percent (50%) portion of actual costs that are below the Director's estimate. Any refunds must be paid on or before March 31 of the year following completion of the work.

(f) That the Director of Public Service is authorized to promulgate rules for the program. The rules shall take effect upon publication in the City Record.

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

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

Ord. No. 278-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of money from ParkWorks to install artificial turf at the Bump Taylor Field; determining the method of making the public improvement of installing the artificial turf; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to lease the field from the Cleveland Municipal School District, for a term of sixty years, for recreation purposes.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to accept on behalf of the Department of Parks, Recreation and Properties a cash donation in the amount of \$200,000 from Park-Works for the purpose of funding the public improvement of installing artificial turf at Bump Taylor Field (the "Improvement").

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of installing artificial turf at the Bump Taylor Field, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 3. That the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease from the Cleveland Municipal School District ("Lessee"), a portion of PPN#110-20-009, known as Bump Taylor Field, which is located in Forest Hills Park.

Section 5. That the term of the lease authorized shall not exceed sixty years.

Section 6. That the rent for the lease authorized shall be a rental of \$1.00 per year (and other valuable considerations) which is determined to be fair market value.

Section 7. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing recreation.

Section 8. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 9. That the cost of the improvement authorized shall be paid from the fund or funds which are credited the cash gift accepted under this ordinance from Park-Works and is appropriated for this purpose. The cost of the lease shall be paid from the fund or funds appropriated for this purpose.

Section 10. That the lease shall be prepared by the Director of Law.

Section 11. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

Ord. No. 279-05.

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

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

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

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

Section 1. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter a Concession Agreement with the Puritas Little League for the operation of the concession building at Maplewood Park.

Section 2. That the Concession Agreement shall be prepared by the Director of Law.

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

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

Ord. No. 280-05.

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

An emergency ordinance to authorize the Director of Parks, Recreation and Properties to enter into an amendment to Contract No. 62444 with Bass Energy Company, Inc. relating to an oil and gas lease at Highland Golf Course.

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 amendment to Contract No. 62444 with Bass Energy Company, Inc. to explore for, drill, operate for, produce and remove oil and gas at Highland Golf Course to include Seneca Golf Course.

Section 2. That the Director of Law is authorized to prepare the amendment.

Section 3. That this ordinance is declared to be an emergency mea-

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

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

Ord. No. 281-05.

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

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

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 apply for and accept a grant in the approximate amount of \$2,896,624, from the State of Ohio Department of Development to conduct the 2005 Home Weatherization Assistance Program; that the Director of Community Development 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 set forth in the executive summary for the grant contained in the file described below.

Section 2. That the executive summary for the grant, File No. 281-05-A, made a part of this ordinance as if fully rewritten is approved in all respects.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts with individual landlords, tenants, contractors, and various non-profit organizations, including but not limited to, Cleveland Housing Network, Cudell Improvement, Inc., Lutheran Housing Corporation, Mt. Pleasant NOW Development Corporation, Fairfax Renaissance Development Corporation, and the Detroit Shoreway Community Development Organization, to provide weatherization assistance to low-income City residents through this program.

Section 4. That the costs of these contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 282-05.

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

An emergency ordinance authorizing the Director of Community Development to transfer Parcel No. 115-12-003, to the control, possession, and use of the Department of Parks, Recreation and Properties.

Whereas, the Department of Community Development desires to transfer certain properties under its control to the Department of Parks, Recreation and Properties; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that the transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the properties to be transferred are components of the City of Cleveland's land reutilization program and, as such, can be transferred under Section 5722.07 of the Revised Code without the consent of other legislative authorities only if: (a) the properties are transferred at not less than fair market value under the policies of the Land Reutilization Program; and (b) the properties are subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization; 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 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to transfer the following described properties to the control, possession, and use of the Department of Parks, Recreation and Properties:

Permanent Parcel No. 115-12-003

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

Beginning at an iron pin on the Southeasterly line of St. Clair Avenue, N.E., 60 feet wide, which is distant South 54°-06'-40" West, 155.39 feet, measured along said Southeasterly line, from its intersection with the center line of Galewood Drive, N.E., said place of beginning being also at the intersection of the Southeasterly line of St. Clair Avenue, N.E., with the Southwesterly line of the Elworthy-Helwick-Shimmon Company's Glen Ellyn Park Allotment, as recorded in Volume 46 of Maps, Page 17 of Cuyahoga County Records;

Thence South 54°-06'-40" West along the Southeasterly line of St. Clair Avenue, N.E., 182.18 feet to an iron pin on the Northeastly line of land conveyed to the City of Cleveland by deed dated November 8, 1928, and recorded in Volume 3777, Page 506 of Cuyahoga County Records;

Thence South 34°-52'-00" East along the Northeastly line of land so conveyed to the City of Cleveland, 3.99 feet to an iron pin at an angle therein;

Thence South 80°-52'-00" East continuing along the Northeastly line of land so conveyed to the City of Cleveland, 151.29 feet to an iron pin on the Northwesterly line of Glen Ellyn Park Allotment, as aforesaid;

Thence North 12°-35'-00" East along the Northwesterly line of said Allotment, 127.98 feet to an iron pin at an inner corner thereof;

Thence North 73°-58'-00" West along the Southwesterly line of said Allotment 33.24 feet to the place of beginning, according to a survey dated June 3, 1946, made by Bauer Surveys Company, Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinance, if any.

Section 2. That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver a copy to the custody to the Division of Property Management of the Department of Parks, Recreation and Properties.

Section 3. That, as a condition of the transfer, the Department of Parks, Recreation and Properties shall pay the Department of Community Development a price not less than fair market value as determined by the Board of Control, considering the restrictions and covenants deemed necessary by the Director of Community Development to assure the property's effective reutilization.

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, Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 283-05.

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

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

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 3 of Ordinance No. 241-03, passed May 12, 2003, is amended to read as follows:

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 13 SF 929, 20 SF 379 and 52 SF 001, Request Nos. 125720 and 125784.

Section 2. That existing Section 3 of Ordinance No. 241-03, passed May 12, 2003, is repealed.

Section 3. That Ordinance No. 241-03, passed May 12, 2003, is supplemented by adding new Sections 3, 4, and 5 to read as follows:

Section 3. That the Director of Community Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with the Cuyahoga Metropolitan Housing Authority ("CMHA") for the construction of the Carver Park Estates project.

Section 4. That the project agreement authorized by this ordinance shall include, but not be limited to, the following terms and conditions:

(a) an agreement by the City of Cleveland to provide approximately \$950,000 in HOME funds toward on-site improvements in the Carver Park Estates new construction project. The on-site improvements shall include, but not be limited to, constructing three new dedicated streets, paving, replacing curbs, installing storm and sanitary sewers, installing water main lines, and concrete sidewalks;

(b) a commitment by CMHA to construct approximately 279 affordable housing units and place affordability restrictions on the site;

(c) a commitment by CMHA to comply with all Federal and state real property acquisition requirements, including without limitation relocation assistance, to the extent Federal or state funding is used for acquisition;

(d) a commitment by CMHA to pay all costs of real property acquisition within the project area; and

(e) a commitment by CMHA to pay all costs of demolition required to develop the project area.

Section 5. That the project agreement authorized by this ordinance shall be prepared by the Director of Law.

Section 4. That existing Sections 3 and 4 of Ordinance No. 241-03, passed May 12, 2003, are renumbered to new "Section 6" and "Section 7".

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

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

Ord. No. 284-05.

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

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

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing sewer and street improvements on West 89th Street in connection with the West Tech Homes project, for the Departments of Community Development and Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 14 SF 030 and 20 SF 379, Request No. 125786.

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

Ord. No. 285-05.

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

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept one or more grants from Northeast Ohio Area Coordinating Agency for the Livable Communities Grant Program; and authorizing the Director to enter into one or more contracts to analyze and plan transportation improvements.

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

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

Section 1. That the Director of the City Planning Commission is authorized to apply for and accept one or more grants totaling \$287,250, from Northeast Ohio Area Coordinating Agency to conduct the Livable Communities Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the

application packet for the grants contained in the file described below.

Section 2. That the application packet for the grants, File No. 285-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of the City Planning Commission is authorized to enter into one or more contracts or memoranda of understanding, as appropriate, with the following entities for technical assistance and for professional services to analyze and plan transportation improvements necessary to implement the grant: Northeast Shores Development Corporation, Detroit-Shoreway Community Development Organization, Greater Cleveland Regional Transit Authority, Burten, Bell, Carr Development Corporation, Clark-Metro Development Corporation, Stockyards Redevelopment Organization, Slavic Village Development, University Circle Incorporated, Collinwood & Nottingham Villages Development Corporation, Kamm's Corners Development Corporation, Eco-Village Project, and Garrett Square Economic Development Corporation.

Section 4. That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 286-05.

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

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

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 699A.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1096-04, passed December 13, 2004, is amended to read as follows:

Section 699A.01 Districts Generally
As used in this chapter and in Section 4301.80 of the Revised Code, "Community Entertainment District" means a bounded area of at least twenty (20) contiguous acres that includes or will include a combination of entertainment, retail, educational, sporting, social, cultural, or

arts establishments within close proximity to some or all of the following types of establishments within the district, or other types of establishments similar to these:

- (a) Hotels;
- (b) Restaurants;
- (c) Retail sales establishments;
- (d) Enclosed shopping centers;
- (e) Museums;
- (f) Performing arts theaters;
- (g) Motion picture theaters;
- (h) Night clubs;
- (i) Convention facilities;
- (j) Sports facilities;
- (k) Entertainment facilities or complexes; or

(l) Any combination of the establishments described in division (a)-(l) of this section that provide similar services to the community.

Section 2. That Section 699A.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1096-04, passed December 13, 2004, is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 699A.011 to read as follows:

Section 699A.011 Districts Defined

Community Entertainments Districts are limited to the following defined areas of the City of Cleveland and meet all the requirements of Section 699A.01 of this chapter:

(a) *Central Business District.* Located within the Central Business District.

(b) *Waterloo.* Beginning in the centerline of East 152nd Street at its intersection with the centerline of the Lakeland Freeway, also known as Interstate Route 90;

Thence Northerly along the centerline of East 152nd Street to its intersection with the westerly prolongation of the northerly line of subplot no. 10 in C.W. Moses Subdivision as shown by the recorded plat in Volume 11 of Maps, Page 35 of Cuyahoga County Records;

Thence Easterly along said prolongation and along the Northerly line of subplot no. 10, to the Easterly line thereof;

Thence Southerly along said Easterly line, to its intersection with the Southeasterly line of subplot no. 16 in said subdivision;

Thence Northeasterly along said Southeasterly line and its North-easterly prolongation, to its intersection with the centerline of Shiloh Road, N.E.;

Thence Northwesterly along the centerline of Shiloh Rd., N.E. to its intersection with the Southwesterly prolongation of the Southeasterly line of subplot no. 7 in the H.F. Ball and G.H. Prentice Subdivision as shown by the recorded plat in Volume 31 of Maps, Page 16 of Cuyahoga County Records;

Thence Northeasterly along said Southwesterly prolongation and the Southeasterly line of said subplot no. 7, to the Southwesterly line of subplot no. 12 in said subdivision;

Thence Northwesterly along said Southwesterly line and its Northwesterly prolongation, to the centerline of Prentice Court, N.E.;

Thence Easterly along said centerline, to its Easterly terminus;

Thence Northwesterly along the Easterly terminus line of Prentice Court, N.E. to its intersection with the Southerly line of subplot no. 26 in

Nelson Moses Subdivision as shown by the recorded plat in Volume 10 of Maps, Page 17 of Cuyahoga County Records;

Thence Easterly along the Southerly line of said Subdivision, to its intersection with a Northwesterly line of a parcel of land conveyed to Tilton & Tilton, Inc. by deed dated November 29, 2002 and recorded as Auditor's File No. 200211290363;

Thence Northeasterly along said Northwesterly line, to its intersection with the Easterly line of subplot no. 23 in said Nelson Moses Subdivision;

Thence Northerly along said Easterly line and the Northerly prolongation thereof to its intersection with the centerline of Lucknow Avenue, N.E.;

Thence Northerly along the Southerly prolongation of and the Westerly line of subplot no. 3 in said Nelson Moses Subdivision, to its intersection with the Southerly line of subplot no. 2 in said subdivision;

Thence Easterly along said Southerly line and the Easterly prolongation thereof, to its intersection with the centerline of East 156th Street;

Thence Northerly along the centerline of East 156th Street, to its intersection with the centerline of Huntmere Avenue, N.E. as it runs Easterly of East 156th Street;

Thence Easterly along the centerline of Huntmere Avenue, N.E., to its intersection with the Northerly prolongation of the Westerly line of a parcel of land conveyed to Daryl C. Johnson by deed dated November 29, 2002 and recorded as Auditor's File No. 200211290452;

Thence Southerly along said Northerly prolongation of and Westerly line, to its intersection with the Northerly line of subplot no. 1 in the Walworth Realty Company's Subdivision as shown by the recorded plat in Volume 30 of Maps, Page 23 of Cuyahoga County Records;

Thence Easterly along said Northerly line, to its intersection with the Westerly line of subplot no. 4 in said subdivision;

Thence Southerly along said Westerly line, to its intersection with the Northerly line of Fordham Court, N.E., now vacated;

Thence Easterly along said Northerly line, to its intersection with the Northerly prolongation of the Westerly line of subplot no. 5 in J.B. & M.B. Stevens Allotment as shown by the recorded plat in Volume 9 of Maps, Page 30 of Cuyahoga County Records;

Thence Southerly along said Northerly prolongation and Westerly line and along the Southerly prolongation of said Westerly line, to the centerline of Arcade Avenue, N.E.;

Thence Westerly along said centerline, to its intersection with the Northerly prolongation of the Westerly line of a parcel of land conveyed to William T. Pitman by deed dated November 26, 1999 and recorded as Auditor's File No. 199911260126;

Thence Southerly along said Northerly prolongation of and Westerly line, to its intersection with the Westerly line of a parcel of land conveyed to Christ the King Church of God in Christ Holiness by deed

dated August 29, 1997 and recorded in Volume 97-8703, Page 36 of Cuyahoga County Records;

Thence continuing Southerly along said Church's Westerly line, to its intersection with the Westerly line of a parcel of land conveyed to Daniel Goolsby by deed dated April 30, 1999 and recorded as Auditor's File Number 199904301067;

Thence continuing Southerly along said Goolsby's Westerly line, to its intersection with the Northerly line of a parcel of land conveyed to Shawanna M. Underwoodm by deed dated November 26, 1997 and recorded in Volume 97-12310, Page 51 of Cuyahoga County Records;

Thence Westerly along said Northerly line, to its intersection with the Westerly line of said Underwoodm's parcel;

Thence Southerly along said Westerly line and its Southerly prolongation, to its intersection with the centerline of Trafalgar Avenue, N.E.;

Thence Easterly along said centerline, to its intersection with the Northerly prolongation of the Westerly line of a parcel of land conveyed to Darnell J. Campbell by deed dated March 31, 2003 and recorded as Auditor's File No. 200303312049;

Thence Southerly along said Northerly prolongation of and Westerly line, to its intersection with Northerly line of a parcel of land conveyed to John H. Dimmian by deed dated October 21, 1993 and recorded in Volume 93-11350, Page 54 of Cuyahoga County Records;

Thence Easterly along said Northerly line to its intersection with the Westerly line of a parcel of land conveyed to Lisa M. Bragg by deed dated September 27, 2002 and recorded as Auditor's File No. 200209271583;

Thence Southerly along said Westerly line, to its intersection with the Southerly line of said Bragg's land;

Thence Easterly along said Southerly line, to its intersection with the Easterly line of said Bragg's land;

Thence Northerly along said Easterly line to its intersection with the Southerly line of a parcel of land conveyed to Patricia A. Thomas by deed dated June 17, 1999 and recorded as Auditor's File No. 199906170338;

Thence Easterly along said Southerly line and along the Southerly line of a parcel of land conveyed to Elizabeth M. White by deed dated April 8, 1991 and recorded in Volume 91-11822, Page 39 of Cuyahoga County Records, and along a Southerly line of a parcel of land conveyed to Fred L. Wesley by deed dated April 26, 1999 and recorded as Auditor's File No. 199904261261, to a Westerly line of said Wesley's land;

Thence Southerly along said Westerly line to a Southerly line of Wesley's land;

Thence Easterly along said Southerly line and along the Southerly line of a parcel of land conveyed to Karen Spehar by deed dated August 26, 1991 and recorded in Volume 91-15436, Page 3 of Cuyahoga County Records, to its intersection with Spehar's Easterly line;

Thence Northerly along said Easterly line, to its intersection with the centerline of Trafalgar Avenue, N.E.;

Thence Easterly along the centerline of Trafalgar Avenue, N.E. to its intersection with the Westerly line of a parcel of land conveyed to Jean Champa, Molly Kochevar, Amelia Kochevar, and Jean Korenchen by deed dated July 15, 1997 and recorded in Volume 97-6794, Page 42 of Cuyahoga County Records;

Thence Southerly along said Westerly line, to its intersection with the Southerly line of Champa, Kochevar, and Korenchen's land;

Thence Easterly along said Southerly line and along the Southerly line of a parcel of land conveyed to Amelia Kochevar and Kenneth F. Kochevar by deed dated September 16, 1987 and recorded in Volume 87-6162, Page 17 of Cuyahoga County Records, to its intersection with the Westerly line of a parcel of land conveyed to John N. Obat and Mary Obat by deed dated April 24, 1984 and recorded in Volume 84-1710, Page 22 of Cuyahoga County Records;

Thence Southerly along said Westerly line, to its intersection with the Southerly line of said Obat's land;

Thence Easterly along said Southerly line, to the Westerly line of a parcel of land conveyed to Ronald Suster by deed dated April 10, 1974 and recorded in Volume 13616, Page 75 of Cuyahoga County Records;

Thence Southerly along said Westerly line, to its intersection with the Southerly line of said Suster's land;

Thence Easterly along said Southerly line, to its intersection with the Westerly line of subplot no. 274 in the Lake Shore Land Company Subdivision as shown by the recorded plat in Volume 27 of Maps, Page 25 of Cuyahoga County records;

Thence Southerly along said Westerly line, to its intersection with the Southerly line of said subplot no.274;

Thence Easterly along said Southerly line and its Easterly prolongation, to its intersection with the centerline of East 160th Street;

Thence Northerly along said centerline, to its intersection with the Westerly prolongation of the Southerly line of subplot no. 269 in said subdivision;

Thence Easterly along said prolongation of and Southerly line, to its intersection with the Westerly line of subplot no. 262 in said subdivision;

Thence Southerly along said Westerly line and along the Westerly line of subplot no. 261 and its Southerly prolongation, to its intersection with the centerline of Burbank Court, N.E.;

Thence Easterly along said centerline, to its intersection with the Easterly line of East 162nd Street;

Thence continuing Easterly along the centerline of Burbank Court, N.E. as vacated by City of Cleveland Ordinance No. 2836-86, passed February 2, 1987, to its intersection with the centerline of East 163rd Street;

Thence Southerly along the centerline of East 163rd Street and its Southerly prolongation, to its intersection with the centerline of the Lakeland Freeway, also known as Interstate Route 90;

Thence Southwesterly along said centerline to its intersection with the Easterly line of the Lakeshore Land Company Subdivision as shown by the recorded plat in Vol-

ume 28 of Maps, Page 3 of Cuyahoga County Records. Said Easterly line now evidenced as the Southerly prolongation of the Easterly lines of sublot no. 306, Block "A", and sublot no. 305 in said subdivision;

Thence Northerly along said Easterly line to its intersection with the Southerly line of Block "A" in said subdivision;

Thence Westerly along said Southerly line to its intersection with the Easterly line of East 160th Street;

Thence Northerly along said Easterly line to its intersection with the Easterly prolongation of the centerline of Shasta Court, N.E.;

Thence Westerly along said centerline, to its intersection with the centerline of East 156th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of parcel no. 1 of land conveyed to Alton C. Anderson by deed dated July 15, 1998 and recorded in Volume 98-8957, Page 20 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation of and Northerly line, to its intersection with the Northwesterly corner of said parcel no. 1;

Thence Southwesterly along the Northwesterly line of parcel no. 2 conveyed to Alton C. Anderson as aforesaid, to its intersection with the Southwesterly line of sublot no. 111 in C.W. Moses' Subdivision as recorded in Volume 27 of Maps, Page 12 of Cuyahoga County Records;

Thence Southeasterly along said Southwesterly line, to its intersection with the Northwesterly line of sublot no. 114 in said subdivision;

Thence Southwesterly along said Northwesterly line, and along the Northwesterly lines of sublots 118, 117, and 116 in said subdivision, to the intersection with the Westerly line of said sublot no. 116;

Thence Southerly along said Westerly line and its Southerly prolongation, to its intersection with the centerline of Calcutta Avenue, N.E.;

Thence Westerly along said centerline, to its intersection with the Northerly prolongation of the Westerly line of a parcel of land conveyed to A to Z Real Estate Development Corporation by deed dated October 3, 2001 and recorded as Auditor's File No. 200110030330;

Thence Southerly along said Northerly prolongation of and Westerly line, to its intersection with the

Northerly line of J. W. McClure's Subdivision as shown by the recorded plat in Volume 27 of Maps, Page 20 of Cuyahoga County Records;

Thence Westerly along said Northerly line, to its intersection with the Westerly line of sublot no. 86 in said subdivision;

Thence Southerly along said Westerly line and the Southerly prolongation thereof, to its intersection with the centerline of the Lakeland Freeway;

Thence Southwesterly along said centerline, to the place of beginning.

Containing within said bounds, an area of 25.8 acres of land, be the same more or less.

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, Finance, Law; Committees on City Planning, Legislation, Finance.

Ord. No. 287-05.

By Mayor Campbell.

An emergency ordinance approving the collective bargaining agreement with the Service Employees International Union, District 1199, AFL-CIO; and amending Section 7 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ord. No. 1814-04, passed October 4, 2004, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Service Employees International Union, District 1199, AFL-CIO, under the terms contained in File No. 287-05-A, for the period from February 14, 2005 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, each member of the bargaining agreement will receive a separate payment in the amount of \$500.00 no later than May 1, 2005, which amount is not part of the member's wage base.

Section 2. That Section 7 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ord. No. 1814-04, passed October 4, 2004, is amended to read as follows:

Section 7. Service Employees International Union, District 1199, AFL-CIO. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Custodial Worker.....	\$ 9.66	\$ 13.54
2. Window Washer.....	\$ 12.54	\$ 18.37
3. Bridge Oiler.....	\$ 9.66	\$ 16.33

Section 3. That existing Section 7 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 1801-03, passed October 13, 2003 and Ord. No. 1814-04, passed October 4, 2004, is repealed.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action, and Training, Finance.

Ord. No. 290-05.**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 and West 20th Street to Israel Colon 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. 007-23-023 as more fully described below, to Israel Colon 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. 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 Israel Colon or designee.

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 East-

erly 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 Southeasterly line of Joy Court, S.W., (16 feet wide) and to the Southwesterly 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 Israel Colon or designee.

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 Israel Colon or designee.

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 Orig-

inal 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 Israel Colon or designee.

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 Israel Colon or designee.

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 Cuya-

hoga 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 Joy 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 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. 004-03-057 as more fully described below, to Israel Colon or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 004-03-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 133 feet of Sublot No. 319 in the Willeyville Allotment of part of Original Brooklyn Township Lot Nos. 69 and 70 as shown by the recorded plat in Volume 2 of Maps, Page 16 of Cuyahoga County Records, and being 33 feet front on the Easterly side of West 20th Street (formerly Tracy Street), and extending back of equal width 133 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. 004-03-058 as more fully described below, to Israel Colon or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 004-03-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly part of Sublot No. 319 in the Willeyville Allotment of part of Original Brooklyn Township Lots Nos. 69 and 70, as shown by the recorded plat in Volume 2 of Maps, Page 16 of Cuyahoga County Records, and being 33 feet front on the Easterly side of West 20th Street, (formerly Tracy Street), and extending back of equal width 133 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 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 18. 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 19. 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 20. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 291-05.

By Council Member Conwell.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Eddy Road and Arlington and Edmonton Avenues to Cleveland Housing Network, 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. 110-13-012 as more fully described below, to Cleveland Housing Network, 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. 110-13-012

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being part of Sublot Nos. 77, 78 and 79 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373, as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of Eddy Road N.E. at its point of intersection with the Southerly line of Edmonton Avenue, N.E.; thence Southerly along said Easterly line of Eddy Road, N.E., 62.21 feet; thence Easterly on a line parallel with said Southerly line of Edmonton Avenue, N.E., 97.73 feet; thence Northerly on a line parallel with the Easterly line of said Sublot No. 77, 60 feet to the Southerly line of Edmonton Avenue, N.E.; thence Westerly along said Southerly line of Edmonton Avenue, N.E., 114.18 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 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. 110-13-013 as more fully described below to Cleveland Housing Network, Inc.

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

P. P. No. 110-13-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 77, 78 and 79 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373, as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Easterly line of Eddy Road N.E. at the Southwesterly corner of said Sublot No. 79; thence Northerly along said Easterly line of Eddy Road N.E., 15.19 feet to an angle; thence Northerly continuing along said Easterly line of Eddy Road, N.E., 38.06 feet to a point 62.21 feet Southerly (measured along said Easterly line of Eddy Road, N.E.) from its point of intersection with the Southerly line of Edmonton Avenue, N.E.; thence Easterly on a line parallel with said Southerly line of Edmonton Avenue, N.E. 97.73 feet; thence Southerly on a line parallel to the Easterly line of said Sublot No. 77, 50 feet to the Southerly line of said Sublot No. 77; thence Westerly along the Southerly line of Sublot Nos. 77, 78 and 79, 80.31 feet to the place of beginning, 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. 110-13-016 as more fully described below, to Cleveland Housing Network, Inc.

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

P. P. No. 110-13-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 4 and 5 in the Elworthy-Helwick Company's Forest Hill Parkway Subdivision, of part of Original One Hundred Acre Lot Nos. 372 and 373, as shown by the recorded plat in Volume 66 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land 70 feet front on the Northerly side of Arlington, N.E., and extending back of equal width 120 feet, 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. 110-13-070 as more fully described, to Cleveland Housing Network, Inc.

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

P. P. No. 110-13-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 73 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373 as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and being 41 feet front on the Southerly side of Edmonton Avenue, N.E., and extending back of equal width 110 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 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. 110-13-074 as more fully described below, to Cleveland Housing Network, Inc.

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

P. P. No. 110-13-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 32 feet front to rear of Sublot No. 77 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373 as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and being 32 feet front on the Southerly side of Edmonton Avenue, N.E., and extending back between parallel lines 110 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Easement of right of way in Volume 2835, Page 556 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 11. 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 12. 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 13. 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 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 292-05.**By Council Member Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Belvidere Avenue to Estella Goodwin and Raymond Goodwin.

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. No(s). 106-14-027 (part of), as more fully described below, to Estella Goodwin and Raymond Goodwin.

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

P.P. No. 106-14-027 (part of)
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of

Sub lot 39 in L.W. Sapps' Subdivision of part of Original One Hundred Acre Lot No.'s 341 and 344 as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records and being bounded as described as follows:

Commencing at a drill hole found in a stone in a monument box at the intersection of East 66th Street (60 feet wide) and Hough Avenue (60 feet wide);

Thence South 89° 32' 05" E, a distance of 406.27 feet along the centerline of said Hough Avenue to a point;

Thence North 00° 20' 30" West, a distance of 155.00 feet to a 5/8-inch iron pin set;

Thence South 89° 32' 05" East, a distance of 20.00 feet to a 5/8-inch iron pin set this being the principal place of beginning;

Thence South 87° 14' 44" East, a distance of 25.03 feet to a 5/8-inch iron pin set;

Thence South 00° 20' 30" East, a distance of 15.00 feet to a 5/8-inch iron pin set;

Thence North 89° 32' 05" West, a distance of 25.00 feet to a 5/8-inch iron pin set;

Thence North 00° 20' 30" West, a distance of 16.00 feet to the principle place of beginning and containing 387.4616 sq. ft. or **0.0089** acres of land according to a survey performed by Bemba K. Jones, P. S. and Associates, Inc. August 2004. State of Ohio Professional Surveyor #7343.

The basis of bearing for this description is assumed and used to denote angles only.

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

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

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

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

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

Ord. No. 293-05.

By Council Member Westbrook.
An emergency ordinance to amend Section 611.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 487-A-04, passed October 25, 2004, relating to public gaming.

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 611.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 487-A-04, passed October 25, 2004, is amended to read as follows:

Section 611.06 Public Gaming

(a) No person, while at a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall make a bet or play any game of chance or scheme of chance.

(b) No person, being the owner or lessee, or having custody, control, or supervision, of a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall recklessly permit those premises to be used or occupied in violation of division (a) of this section.

(c) **No person while on any sidewalk, street, court, or alleyway, or at any park, playground, or school property, shall make a bet or play any game of chance.**

(d) Divisions (a) and (b) of this section do not prohibit conduct in connection with gambling expressly permitted by law.

(e) Whoever violates this section is guilty of public gaming. Except as otherwise provided in this division, public gaming is a minor misdemeanor. If the offender previously has been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(f) Premises used or occupied in violation of division (b) of this section constitute a nuisance subject to abatement under Chapter 3767 of the Revised Code.

Section 2. That Section 611.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 487-A-04, passed October 25, 2004, 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.

FIRST READING ORDINANCE REFERRED**Ord. No. 294-05.**

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

Whereas, Northeast Shores Development Corporation located at 317

East 156th Street, Cleveland, Ohio 44110, has submitted a written request dated February 3rd, 2005, to the Mayor's Office for designation of the Waterloo Community Entertainment District in accordance with the procedures outlined in Chapter 699A of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed District; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation contained in Chapter 699A of the Codified Ordinances of the City of Cleveland, Ohio, 1976, now, therefore

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

Section 1. That the Waterloo Community Entertainment District is hereby established and includes the areas shown on the map in File No. 294-05-A.

Section 2. That the designation of the area described in Section 1 hereof as the Waterloo Community Entertainment District shall be on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance 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.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**Ord. No. 303-05.**

By Council Member Rybka.
An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Slavic Village Development Corporation for the Fleet Retail District Parking Project through the use of either Ward 12 Neighborhood Equity Funds or Urban Development Action Grant Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the Slavic Village Development Corporation for the Fleet Retail District Parking Project located at 6305 Fleet Avenue, Cleveland, Ohio for the public purpose of retaining jobs for existing businesses and promoting economic vitality for the City of Cleveland through the use of either Ward 12 Neighborhood Equity Funds or Urban Development Action Grant Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$105,000 and shall be paid from either Fund No. 10 SF 10-166 or Fund No. 17 SF 17652.

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

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

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

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

Ord. No. 304-05.

By Council Members Polensek, O'Malley, Westbrook, Brady and Dolan.

An emergency ordinance amending Section 2 of Ordinance No. 12-05, passed January 10, 2005 as it pertains to the Heritage Home Preservation Program through the use of Ward 11, 16, 18, 19, 21 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 2 of Ordinance No. 12-05, passed January 10, 2005 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$65,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 12-05, passed January 10, 2005 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.

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

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

Ord. No. 305-05.

By Council Member Britt.
An emergency ordinance consenting and approving the issuance of a permit for the Juno Jog 5K Run/Walk, on July 9, 2005, scheduled by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Juno Jog 5K Run/Walk scheduled by the Hermes Sports & Events, on July 9, 2005, with the Run/Walk beginning at East 89th & Euclid, East 89th to Chester, Chester to East 90th East 90th to Euclid, Euclid to East 101st

East 101st to Ansel, Ansel to MLK, MLK to Mt. Sinai Drive, Mt. Sinai Drive to East 101st, East 101st to Euclid, Euclid to East 89th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 309-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 25th Annual St. Malachi Run, on March 12, 2005, sponsored by the Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 25th Annual St. Malachi Run sponsored by the Hermes Sports & Events, on March 12, 2005, with the Run beginning at St. Malachi, Main Street north to Center, Center west to River Road, River Road north to Elm, Elm east to Old River Road/River Bend, River Bend to Canal, Canal east to West 3rd, West 3rd east to Commercial, Commercial north to West Eagle, West Eagle east to Canal, Canal west to Center, Center to Winslow, Winslow to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

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

Ord. No. 310-05.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Lady Footlocker Women's Expo 5K Run & Walk, on March 13, 2005, sponsored by Lady Footlocker.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Lady Footlocker Women's Expo 5K Run & Walk sponsored by Lady Footlocker, on March 13, 2005, with the Run/Walk beginning at the Convention Center, Lakeside to West 3rd, West 3rd to Lerner Way, around stadium, to Erieside, Erieside to East 9th, turn around, return same route, 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Council Member Conwell entered the meeting.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 288-05.

By Council Member Lewis.

An emergency resolution declaring this Council's support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable hous-

ing developments throughout Ohio using a competitive proposal process; and

Whereas, Famicos Foundation is proposing to redevelop 35 units of Senior housing in the Wade Chateau Apartment building at 9501 Superior Avenue; and

Whereas, 100% of these units will be occupied by low-income seniors, with no market rate units; and

Whereas, no less than 100% of the units will serve a special needs population, specifically households for elderly residences and in need of senior supportive services as defined in the 2005 Qualified Allocation Plan; and

Whereas, Famicos Foundation's proposal will benefit the citizens of 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 hereby declares its support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Famicos Foundation.

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

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

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

Res. No. 289-05.

By Council Member Lewis.

An emergency resolution declaring this Council's support of the proposal of Famicos Foundation and/or its assigns for the development and rehabilitation of Historic Newton Avenue Apartments using housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Famicos Foundation is proposing to substantially rehabilitate 32 affordable housing units in the Historic Newton Avenue Apartments located at 1871 and 1877 East 9th Street; and

Whereas, 100% of these units will be occupied by low-income families, with no market rate units; and

Whereas, no less than 20% of the units will serve a special needs population, specifically households with incomes at or below 35% of the area median income; and

Whereas, Famicos Foundation's proposal will benefit the citizens of 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 hereby declares its support of the proposal of Famicos Foundation and/or its assigns for the development and rehabilitation of Historic Newton Avenue Apartments using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Famicos Foundation.

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

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

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

Res. No. 295-05.

By Council Member Gordon.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland Housing Network Limited Partnership XXII to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland Housing Network Limited Partnership XXII is proposing to develop up to seventy (70) housing units on scattered sites throughout the City of Cleveland with a special emphasis on the Cleveland East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, at least ten percent (10%) of these housing units will be affordable to households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Cleveland Housing Network

Limited Partnership XXII to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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

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

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

Res. No. 296-05.

By Council Member Gordon.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland Housing Network Limited Partnership XXII SC to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland Housing Network Limited Partnership XXII SC is proposing to develop up to seventy (70) housing units on scattered sites throughout the City of Cleveland with a special emphasis on the South Central submarket as defined by the Ohio Housing Finance Agency; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, at least ten percent (10%) of these housing units will be affordable to households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Cleveland Housing Network Limited Partnership XXII SC to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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

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

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

Res. No. 297-05.

By Council Member Gordon.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cleveland West Homes LP to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland West Homes LP is proposing to develop up to thirty (30) housing units on scattered sites throughout the City of Cleveland with a special emphasis on the Cleveland West submarket as defined by the Ohio Housing Finance Agency; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income, and no housing units will be market rate; and

Whereas, at least ten percent (10%) of these housing units will be affordable to households whose annual income is at or below thirty-five percent (35%) of the area median income; and

Whereas, the project does not serve a special needs population; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Cleveland West Homes LP to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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

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

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

Res. No. 298-05.

By Council Members Brady, White, Britt, Polensek, O'Malley, Pierce, Scott, Sweeney, Jackson, Zone, Lewis, Westbrook, Coats and Cintron.

An emergency resolution encouraging the United States Congress to first commit to paying back to the Social Security Trust Fund all of the money it borrowed from the fund; encouraging the United States Congress to carefully study potential changes to the Social Security system; encouraging the United States Congress to adopt changes that strengthen Social Security's family income protections; and encouraging the United States Congress to reject proposals that would divert money out of Social Security and into private accounts.

Whereas, Social Security's income protections, guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits, are the backbone of retirement security and family protection in the United States; and

Whereas, Social Security provides crucial, often indispensable income protection for the 47 million individuals, one of every six Americans, receiving benefits; and

Whereas, Social Security is the nation's most successful and most important family income protection program, but is has long-term funding needs that need to be addressed; and

Whereas, some policymakers propose to address these needs by cutting guaranteed benefits and privatizing Social Security, that is, diverting a third or more of workers' payroll tax contributions out of the Social Security Trust Fund and into private investment accounts; and

Whereas, privatization will worsen Social Security's funding needs by draining resources from the Trust Fund into private accounts, increasing the federal deficit by two trillion dollars over the first decade alone and more in the future and putting the United States deeper in debt to foreign creditors; and

Whereas, some officials and members of Congress have suggested the federal government will not pay back money it has taken from the Social Security Trust Fund over the past twenty years and used for other things, thereby denying working families the money they paid into Social Security and leading to further benefit cuts; and

Whereas, privatizing Social Security will cut guaranteed benefits by thirty percent (30%) for young workers, even for those who do not participate in private accounts, denying them benefits they have earned and imperiling their economic security; and

Whereas, cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans, providing at least half the income of nearly two-thirds of older American households and lifting more than eleven million seniors out of poverty; and

Whereas, cutting guaranteed benefits will hurt women and people of color, as they are more likely than white men to rely on Social Security

for most of their retirement income, they earn less money than white men and are, therefore, less able to save for retirement, and they are less likely than white men to receive job-based pensions in retirement; and

Whereas, diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families, particularly African Americans, as roughly one in five workers dies before retiring and nearly three in ten become too disabled to work before reaching retirement age; and

Whereas, privatizing Social Security will burden state and local governments, as cuts in guaranteed benefits will increase demands for public assistance at the very moment growth in the federal deficit due to privatization induces the federal government to shift greater responsibilities onto state and local governments; and

Whereas, Congress should not rush through drastic and damaging changes in Social Security that undermine its family income protections, but instead, should take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or exploding the deficit; and

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

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

Section 1. That this Council encourages the United States Congress to first commit to paying back to the Social Security Trust Fund all of the money it borrowed from the Security Fund.

Section 2. That this Council encourages the United States Congress to carefully study a variety of potential changes that will address Social Security's problems in a manner that ensures the Social Security program will continue to meet its purpose of providing income protection and economic security for America's families.

Section 3. That this Council encourages the United States Congress to adopt changes that strengthen Social Security's family income protections without slashing guaranteed benefits and increasing the deficit.

Section 4. That this Council encourages the United States Congress to reject proposals that would divert money out of Social Security and into private accounts.

Section 5. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congresswoman Stephanie Tubbs Jones, Congressman Dennis Kucinich, Congressman Sherrod Brown, Congressman Steven LaTourette, and the Coalition to Protect Social Security.

Section 6. 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 299-05.

By Council Member Britt.

An emergency resolution declaring Cleveland City Council's support of the proposal of Erie Square Apartments, L.P. to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Erie Square Apartments, L.P., is proposing to develop up to eighty-nine (89) housing units at 7621-7711 Euclid Avenue, in the City of Cleveland, Ohio and is seeking an allocation of additional tax credits; and

Whereas, one hundred percent (100%) of these housing units will be affordable to families with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, in 2003, the project elected to serve a special needs population of extremely low-income households (those having incomes below thirty-five percent (35%) of the area median income) and no additional special needs population is being designated in 2005; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Erie Square Apartments, L.P. to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

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

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

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

Res. No. 300-05.**By Council Member Conwell.**

An emergency resolution declaring Cleveland City Council's support of the proposal of Emerald Alliance, L.P. II to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Emerald Alliance, L.P., II, is proposing to develop up to ninety (90) housing units at the Southeast corner of Eddy Road and Edmonton Avenue, Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to individuals with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, at least fifty percent (50%) of these housing units will serve a special needs population, consisting of single adults with disabilities who have been homeless; and

Whereas, support services will be made available, both on-site and off-site, to these individuals; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Emerald Alliance, L.P. II to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of Emerald Development & Economic Network, Inc. and Cleveland Housing Network, Inc.

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

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

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

Res. No. 301-05.**By Council Members Zone and Cintron.**

An emergency resolution declaring Cleveland City Council's support of the proposal of Stockyard Homes LP-1 by Stockyard Redevelopment Organization and the Cleveland Housing Network to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Stockyard Redevelopment Organization and the Cleveland Housing Network are proposing to construct up to thirty (30) single-family homes on scattered Land Bank and privately held lots in the stockyard neighborhood, to be called Stockyard Homes LP-1; and

Whereas, all of the units will be affordable to families or individuals at or below sixty percent (60%) area median income; and

Whereas, each of these homes will be lease-purchase homes, with three to four bedrooms, available for homeownership in year sixteen of the project; and

Whereas, there will be no market rate units; and

Whereas, the project does not serve a special needs population; and

Whereas, this Council of the City of Cleveland supports the proposal to develop affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Stockyard Homes LP-1 by Stockyard Redevelopment Organization and the Cleveland Housing Network in order to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of the Stockyard Redevelopment Organization and the Cleveland Housing Network.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 302-05.**By Council Member Pierce Scott.**

An emergency resolution declaring Cleveland City Council's support of the proposal of Emerald Alliance, L.P. II to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Emerald Alliance, L.P., II, is proposing to develop up to

ninety (90) housing units at the Southeast corner of East 100th Street and St. Clair Avenue, Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to individuals with incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, at least fifty percent (50%) of these housing units will serve a special needs population, consisting of single adults with disabilities who have been homeless; and

Whereas, support services will be made available, both on-site and off-site, to these individuals; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Emerald Alliance, L.P. II to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of Emerald Development & Economic Network, Inc. and Cleveland Housing Network, Inc.

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

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

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

Res. No. 305-05.**By Council Members Sweeney, Gordon, Jackson and Cintron.**

An emergency resolution urging the United States Congress to consider additional funding and adequate budget to support the NASA Glenn Research Center so as to preserve its research capacity and personnel levels.

Whereas, the NASA Glenn Research Center employs over 3,300 fulltime employees; and

Whereas, the NASA Glenn Research Center provides valuable research in space power and propulsion; and

Whereas, the NASA Glenn Research Center provides aeronautics research that aircraft companies cannot fund, due to the cost and risk; and

Whereas, local expertise helps design safer, quieter, higher-powered and more fuel efficient aircraft for commercial and military applications; and

Whereas, the Glenn Research Center also designs scientific experiments for the orbiting space station, including experiments for producing new drugs, increasing automobile gas mileage and reducing pollution; and

Whereas, the European Union is proposing a \$100 billion public-private partnership to make its aeronautic industry the world leader by 2020, further jeopardizing jobs in the United States; and

Whereas, proposed changes to the NASA Glenn Research Center budget will negatively impact research at our local universities by reducing the size of the facility and the learning and employment opportunities for students ; and

Whereas, the proposed changes to the NASA Glenn Research budget will cause the loss of approximately 1, 100 civil and private sector jobs; 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. Urging the United States Congress to consider addition funding and adequate budget to support the NASA Glenn Research Center so as to preserve it research capacity and personnel levels.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to President George W. Bush, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Subcommittee Chair Christopher Bond, U.S. Representatives Sherrod Brown, Stephanie Tubbs-Jones, Dennis Kucinich and Steven C. LaTourette, and Governor Robert Taft.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 306-05.

By Council Members Westbrook, Sweeney, Jackson, O'Malley, White, Zone, Britt, Brady, Polensek, Reed, Pierce Scott, Coats and Cintron.

An emergency resolution urging the United States Congress to reject any budget reduction and reconciliation process for fiscal year 2006 related to Medicaid reform or other domestic discretionary programs that shift additional costs to the states and cities and/or result in cuts in services; urging the United States Congress to reject any cap on federal funding for the Medicaid program; and urging the United States Congress to adopt a balanced approach to deficit reduction.

Whereas, the budget proposal sent to Congress by President George W. Bush includes a five year cap on discretionary spending that requires more than \$2.5 billion in discretionary spending cuts in Ohio; and

Whereas, the President's budget for Medicaid proposes a \$60 billion reduction in Medicaid spending over the next ten years; and

Whereas, the Medicaid program provides access to health care for Cleveland's most vulnerable citizens, including low-income children, parents, pregnant women, people with disabilities, and senior citizens; and

Whereas, the discretionary and mandatory spending cuts proposed by the President will impact the people of Cleveland in numerous negative ways; and

Whereas, such negative impacts will affect educational programs, community development programs, health care services, child care services, services for abused children, environmental protections, energy assistance programs, juvenile justice, veterans benefits, vocational education, law enforcement, HIV/AIDS treatment, and many others; and

Whereas, it is unfair to place the burden of deficit reduction entirely on domestic programs; and

Whereas, in addition to the proposed domestic program cuts, the President and some Members of Congress are advocating to make the temporary tax cuts passed in 2001 and 2003 permanent and are proposing the implementation of a new round of tax cuts; and

Whereas, these tax cuts benefit wealthier Americans; and

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

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

Section 1. That this Council urges the United States Congress to reject any budget reduction and reconciliation process for fiscal year 2006 related to Medicaid reform or other domestic discretionary programs that shift additional costs to the states and cities and/or result in cuts in services.

Section 2. That this Council urges the United States Congress to reject any cap on federal funding for the Medicaid program whether in the form of an allotment, an allocation, or a block grant.

Section 3. That this Council urges the United States Congress to adopt a balanced approach to deficit reduction and to reject any effort to enact new tax cuts or to extend existing tax cuts.

Section 4. That the Clerk of Council is hereby requested to transmit copies of this resolution to President of the United States Senate, the Speaker of the United States House of Representatives, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, Congressman Steven LaTourette, Congressman Sherrod Brown and the Members of the National League of Cities.

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

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

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

Res. No. 307-05.

By Council Members Zone, Coats, Pierce Scott, O'Malley, Sweeney, White, Britt, Brady, Polensek, Westbrook and Lewis.

An emergency resolution opposing the Clear Skies Act of 2005 as it would limit the states' authority to regulate local air quality and pursue polluters and urging Senator George Voinovich to reconsider his support of the Act.

Whereas, several weeks ago, the U.S. Senate reintroduced amendments to the Clean Air Act, which amendments are known as the Clear Skies Act; and

Whereas, the Clear Skies Act is supposed to target emissions from power plants and oil refineries and allegedly replicates the acid rain cap-and-trade program; and

Whereas, however, testimony on behalf of state and local air pollution control officials maintains that the Clear Skies measure would strip away enforcement tools provided in the current Clean Air Act and would delay emissions reductions, compared to reductions already called for by the Clean Air Act; and

Whereas, the proposed Clear Skies Act weakens states' authority on clean air by stripping states of the powers they have under the Clean Air Act, including the authority to set tougher air pollution standards; and

Whereas, the proposed Clear Skies Act also weakens the Clean Air Act's public health safeguards protecting local air quality; and

Whereas, individual states have the right to set policy concerning the health and welfare of their citizens; and

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

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

Section 1. That this Council hereby opposes the Clear Skies Act of 2005 as it would limit the states' authority to regulate local air quality and pursue polluters and urges Senator George Voinovich to reconsider his support of the Act.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the President George W. Bush, Senator George Voinovich, Oklahoma Senator James Inhofe, Governor Bob Taft, the Director of the National League of Cities, and the Director of the Ohio Municipal League.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 311-05.
By Council Member Cimperman.
An emergency resolution objecting to the transfer of Liquor License of a D2, D2X and D3 Liquor Permit to 1266 W. Sixth Street, Suite 103, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D2, D2X and D3 Liquor Permit from 10510 Tavern, Inc., DBA Hollywood Lounge, 10510 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 6551098 to 1267 West Sixth Street, LLC, 1266 West Sixth Street, Suite 103, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 6548565; 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 D2, D2X and D3 Liquor Permit from 10510 Tavern, Inc., DBA Hollywood Lounge, 10510 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 6551098 to 1267 West Sixth Street, LLC, 1266 West Sixth Street, Suite 103, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 6548565, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 312-05.
By Council Member Cimperman.
An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 4829 Superior Avenue, and repealing Resolution No. 1548-04, objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 4829 Superior Avenue by Resolution No. 1548-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to SCS Enterprises, Inc. DBA Marbles Grill & Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934 be and the same is hereby withdrawn and Resolution No. 1548-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 313-05.
By Council Member Coats.
An emergency resolution withdrawing objections to the renewal of a D5 and D6 Liquor Permit at 14045 St. Clair Avenue repealing Resolution Nos. 1295-03 and 1558-04, objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 14045 St. Clair Avenue by Resolution No. 1295-03 adopted by the Council on July 16, 2003 and by Resolution No. 1558-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objections to a D5 and D6 Liquor Permit to Bill's Lounge, 14045 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 0717802 be and the same is hereby withdrawn and Resolution Nos. 1295-03 and 1558-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 314-05.
By Council Member Jackson.
An emergency resolution withdrawing objection to the transfer of liquor license of a C2 and C2X Liquor Permit at 3609 Community College Avenue and repealing Resolution No. 1864-04, objecting to said transfer.

Whereas, this Council objected to the transfer of liquor license of a C2 and C2X Liquor Permit to Curtis E. Hunt, DBA Right on Time Food & Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent No. 4073963-0001, adopted by the Council on October 4, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Curtis E. Hunt, DBA Right on Time Food and Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent Number 4073963-0001 be and the same is hereby withdrawn and Resolution No. 1864-04, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 315-05.**By Council Member Johnson.**

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2886 Woodhill Road, and repealing Resolution No. 1335-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2886 Woodhill Road by Resolution No. 1335-04 adopted by the Council on August 14, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 2886 Woodhill Road, Inc., 2886 Woodhill Road, Cleveland, Ohio 44104, Permanent Number 9116630 be and the same is hereby withdrawn and Resolution No. 1335-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 316-05.**By Council Member Jones.**

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4360 Lee Road, and repealing Resolution No. 1337-04, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 4360 Lee Road by Resolution No. 1337-04 adopted by the Council on August 14, 2004; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Lee Miles Service, DBA Lee-Miles Citgo, 4360 Lee Road, Cleveland, Ohio 44128, Permanent Number 5088723 be and the same is hereby withdrawn and Resolution No. 1337-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency

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

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

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

Res. No. 317-05.**By Council Member Jones.**

An emergency resolution objecting to a New C1 Liquor Permit at 14201 Miles Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 14201 Miles, Inc., DBA Yaba Market, 14201 Miles Avenue, Cleveland, Ohio 44128, Permanent Number 2850917; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 14201 Miles, Inc., DBA Yaba Market, 14201 Miles Avenue, Cleveland, Ohio 44128, Permanent Number 2850917; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 318-05.

By Council Member Pierce Scott. An emergency resolution objecting to a New C1 Liquor permit at 7516 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Abu Khalid, Inc., DBA Food Town Supermarket, 7516 St. Clair Avenue, Cleveland, Ohio 44106, Permanent Number 00373000005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Abu Khalid, Inc., DBA Food Town Supermarket, 7516 St. Clair Avenue, Cleveland, Ohio 44106, Permanent Number 00373000005; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 321-05.

By Council Member Rybka.

An emergency resolution objecting to a New C1 and C2 Liquor Permit at 3628 Independence Road, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 and C2 Liquor Permit at Yabas & Yamas Corporation, DBA 3 M Food Market, 3628 Independence Road, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 9806201; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the

Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C1 and C2 Liquor Permit at Yabas & Yamas Corporation, DBA 3 M Food Market, 3628 Independence Road, 11 floor and basement, Cleveland, Ohio 44105, Permanent Number 9806201; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 322-05.

By Council Member Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 15649 Puritas Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from C & S Beverage & Deli, Inc., DBA C & S Beverage & Deli, 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 1173501 to Bhavna, Inc., 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 0683891; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from C & S Beverage & Deli, Inc., DBA C & S Beverage & Deli, 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 1173501 to Bhavna, Inc., 15649 Puritas Avenue, Cleveland, Ohio 44135, Permanent Number 0683891; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 323-05.

By Council Member Sweeney.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 13999 Lorain Avenue, 1st floor.

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 Rondor, Inc., DBA Normandie Inn, 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 7521092 to EMC Properties, Inc., 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 2503720; 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 Rondor, Inc., DBA Normandie Inn, 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 7521092 to EMC Properties, Inc., 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 2503720; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 324-05.

By Council Member Zone.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 8309 Madison Avenue, 1st floor and basement, and repealing Resolution No. 1356-04, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 8309 Madison Avenue, 1st

floor and basement by Resolution No. 1356-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Eagle Bar, Inc., 8309 Madison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 1545444 be and the same is hereby withdrawn and Resolution No. 1356-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 325-05.

By Council Member Zone.

An emergency resolution withdrawing objections to the transfer of stock and renewal of a D2 and D2X Liquor Permit at 8002 Detroit Avenue, and repealing Resolution Nos. 1904-03 and 1369-04, objecting to said transfer and renewal.

Whereas, this Council objected to the transfer of stock of a D2 and D2X Liquor Permit to 8002 Detroit Avenue by Resolution No. 1904-03 adopted by the Council on September 29, 2003 and to the renewal by Resolution No. 1369-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objections to a D2 and D2X Liquor Permit to 8002 Detroit, Inc., DBA American Food Mart, 8002 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 2455400 be and the same is hereby withdrawn and Resolution Nos. 1904-03 and 1369-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer and renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1665-04.

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

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for various infrastructure capital improvements projects and state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for road and bridge improvements.

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

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

Ord. No. 126-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware and software, including maintenance and support, for the various divisions of City government, for a period of six months, with one option to renew for an additional six-month period.

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

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

Ord. No. 128-05.

By Council Member White.

An emergency ordinance to name the recreation center located at 11300 Miles Road as "Earle B. Turner Community Center".

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

1. In the title, line 4; and in Section 1, line 2, strike "Community Center" and insert "**Recreation Center**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. 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. 167-05.

By Council Member Jackson (by departmental request).

An emergency ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$85,000,000 to refund certain of the City's outstanding general obligation bonds and authorizing matters with respect to the bonds and the refunding.

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

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

Ord. No. 169-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Agreement No. 59769 with City Architecture for the League Park project.

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

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

Ord. No. 225-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties for a period of one year.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED**Res. No. 2372-04.**

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

An emergency resolution declaring it necessary to reconstruct or abandon sidewalk vaults encroaching upon the public right-of-way on Euclid Avenue between Public Square and East 70th Street; and revoking any and all existing encroachment permits for all sidewalk vaults in the assessment area.

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

1. Insert new Section 2 to read as follows:

"Section 2. That the plans, specifications and profiles for improvement of the sidewalk vaults, at the estimated cost of \$8,022,267.70 prepared and placed in File No. 2372-04-B in the office of the Clerk of Council, are approved by this Council."

2. In existing Section 2, line 7, after "improvements," insert the following: **"The cost of the work shall include the cost of plans, specifications, profiles and estimates and of printing, serving, and publishing notices, resolutions and ordinances, the cost of all labor and materials, including securing the improvement site, and all other necessary expenditures."**

3. In Section 4, strike lines 2 and 3 in their entirety and insert **"assessed, as provided, shall be paid from Fund No. 20 SF 500."**

4. Renumber existing Sections 2, 3, 4, 5, 6, and 7 to new **"Section 3", "Section 4", "Section 5", "Section 6", "Section 7", and "Section 8"**.

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.

LAID ON THE TABLE**Ord. No. 2374-04.**

By Council Member Cimperman. An ordinance establishing the Playhouse Square Community Entertainment District (CED) (Map Change No. 2129, Sheet No. 5).

Ord. No. 75-05.

By Council Member Cimperman and Zone.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 347.17 thereof, relating to large scale retail stores.

Without objection, Ordinance Nos. 2374-04 and 75-05, were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance 2374-04 and Ordinance No. 75-05 Laid on the Table.

MOTION

By Council Member Johnson, seconded by Council Member Britt and unanimously carried that the absence of Council Members Merle R. Gordon and Joseph T. Jones, be and are hereby authorized.

MOTION

The Council Meeting adjourned at 7:43 p.m. to meet on Monday, March 7, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

February 23, 2005

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

Present: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Absent: None.
Others: Jim Hardy, Acting Commissioner, Purchases and Supplies.
Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 84-05.

By Director Baker.
Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2005 in the amount of \$3,142.88, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 85-05.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Kronos Incorporated, except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of Kronos timekeeping hardware and maintenance, all items, for the various divisions of City government, for the period of one (1) year beginning from the date of execution of a contract, received on February 18, 2005, under the authority of Ordinance No. 2302-03 passed December 15, 2003, which on the basis of the estimated quantity would amount to One Hundred Eighty Eight Thousand Three Hundred Seventy and 00/100 Dollars (\$188,370.00) (2% 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a

requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 104884

which shall be certified against such contract in the sum of One Hundred Twenty One Thousand Nine Hundred Fifty and 00/100 Dollars (\$121,950.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 86-05.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Kone, Inc., for labor and materials necessary to maintain and repair elevators and escalators, all items, Section A, for the various divisions of the Department of Port Control, for a period of two years beginning with the date of execution of a contract received on the 19th of January, 2005, under the authority of Ordinance No. 1478-04, passed on October 18, 2004, which on the basis of the estimated quantity would amount to Eight Hundred Seventy-Five Thousand Seven Hundred Seventy-Eight and 40/100 Dollars (\$875,778.40), is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which shall provide for the purchase as the initial amount of the contract of the following:

Requisition No. 155777

which shall be certified against the contract in the sum of Three Hundred Sixty-Seven Thousand Four Hundred-Forty and 00/100 Dollars (\$367,440.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 87-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2302-04, passed by the Council of the City of Cleveland on December 13, 2004, Adache Ciuni Lynn Associates, Inc. is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the improvements to Jennings Road from Spring Road to Jennings Freeway Ramp.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with Adache Ciuni Lynn Associates, Inc. based on its proposal dated December 17, 2004, as amended by its revised cost proposal dated February 4, 2005, provided that the compensation to be paid shall not exceed Three Hundred Ninety-Nine Thousand, Nine Hundred Ninety-Six Dollars and Ninety-Six Cents (\$399,996.96). The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Adache Ciuni Lynn Associates, Inc. for the above authorized contract is approved:

Central Engineering Inc.
869 West Bagley Road
Berea, Ohio 44017
(MBE) — \$26,280.00 — (6.57%)

J & L Laboratories, Inc.
215 Rainbow Street
Wadsworth, Ohio 44281
(MBE) — \$21,993.00 — (5.50%)

Resource Int., Inc.
1740 St. Clair Ave.
Cleveland, Ohio 44114
(FBE) — \$67,800.00 — (16.95%)

Oxbow Engineering, Inc.
10 West Erie Street, Suite 201
Painesville, Ohio 44077
(FBE) — \$12,700.00 — (3.17%)

United Survey, Inc.
25145 Broadway Avenue
Cleveland, Ohio 44146
\$16,264.00 — (4.07%)

Yeas: None.

Nays: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Absent: None.

Resolution No. 88-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that the bid of Premier Safety & Service, Inc. for iTX multi-gas monitor equipment, all items, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on December 9, 2004, pursuant to the authority of Ordinance No. 1012-03, passed by Cleveland City Council on July 16, 2003, which on the basis of the estimated quantity would amount to Twenty-Three Thousand Nine Hundred Forty-Four and 03/100 Dollars (\$23,944.03), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 154749 as specified, which shall be certified against such contract in the sum of Twenty-Three Thousand Nine Hundred Forty-Four and 03/100 Dollars (\$23,944.03).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Absent: None.

Absent: None.

Absent: None.

Resolution No. 89-05.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland that under authority of Ordinance No. 2151-03 passed by the Council of the City of Cleveland December 15, 2003, Behnke Associates, Inc. is selected from a list of qualified consultants available for employment after a canvass by the Director of Parks, Recreation & Properties as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City to provide the professional services necessary to complete the Morgana Park Multipurpose Field & Track Complex for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties.

Be it further resolved that the Director of Parks, Recreation & Properties is authorized to enter into a contract with Behnke Associates, based upon its proposal #2 dated December 14, 2004, for a total cost not to exceed Two Hundred Twenty-Eight Thousand, One Hundred Eighty-Three and 00/100 Dollars (\$228,183.00), consisting of a lump sum fee of One Hundred Ninety-Seven Thousand, Seven Hundred Seven and 00/100 Dollars (\$197,707.00) and reimbursable expenses not to exceed Thirty Thousand, Four Hundred Seventy-Six and 00/100 Dollars (\$30,476.00), which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Behnke Associates is approved:

<u>Subcontractor</u>	<u>Amount</u> <u>Percentage</u>
Robert Madison Int'l. (MBE)	\$88,000 38.57%
Infrastructure (MBE)	\$12,476 5.47%
Resource Int'l. (FBE)	\$15,000 6.57%
City Blue (FBE)	\$ 3,000 1.32%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 90-05.

By Director Ronayne.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Precision Engineering & Contracting, Inc. for the public improvement of Estabrook Park Site Improvements, for Base Bid Items #A1 - #A28 including the 10% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on December 1, 2004, pursuant to the authority of Ordinance No. 1748-99, passed on April 17, 2000, upon a unit basis for the improvement in the aggregate amount of One Hundred Ninety Six Thousand Five Hundred Forty Eight and 07/100 Dollars (\$196,548.07), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties 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 Precision Engineering & Contracting, Inc. for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
ProGrass LLC	\$61,987.00 31.54%
Ballast Fence (FBE)	\$ 8,156.40 4.15%
Cook Paving (MBE)	\$ 1,750.00 0.89%
Cavotta Landscaping (FBE)	\$ 376.00 0.19%
21st Century Concrete	\$32,350.00 16.46%
K & L Sealers, Inc.	\$ 7,675.00 3.90%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Wil-

liams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 91-05.

By Director Ronayne.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting for the public improvement of Loew Park Site Improvements, for Base Bid Items #B1 - #B31 and Add Alternate Item #AA2B including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on December 1, 2004, pursuant to the authority of Ordinance No. 1728-2000, passed on April 9, 2001, upon a unit basis for the improvement in the aggregate amount of One Hundred Seven Thousand Eight Hundred Nineteen and 67/100 Dollars (\$107,819.67), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties 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 F. Buddie Contracting for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Service Asphalt	\$22,000.00 20.40%
Cavotta Landscaping (FBE)	\$10,349.00 9.60%
Collinwood Concrete (FBE)	\$ 7,200.00 6.68%
Lito Trucking (MBE)	\$ 896.00 0.83%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 92-05.

By Director Ronayne.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Apex Construction for the public improvement of Luke Easter Park Playground Improvements, for Base Bid Items #1 - #44 and Add Alternate Items #AA1 - #AA3 including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on February 2, 2005, pursuant to the authority of Ordinance No. 1114-02 and Ordinance No. 2151-03, passed on June 17, 2002 and December 15, 2003, upon a unit basis for the improvement in the aggregate amount of Three Hundred Fifty Eight Thousand Four Hundred Six and 64/100 Dollars (\$358,406.64),

is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties 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 Apex Construction for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u> <u>PERCENTAGE</u>
Cook Paving (MBE)	\$66,312.50 18.50%
Saf-Dek (No Fault Industries)	\$51,578.00 14.39%
Erie Pointe Contractors	\$35,000.00 9.76%
Ballast Fence (FBE)	\$16,348.75 4.56%
McTech Corporation (MBE)	\$12,000.00 3.35%
Jennings, Inc.	\$ 2,662.00 0.74%

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.
Nays: None.
Absent: None.

Resolution No. 93-05.

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. 111-01-009 (Easterly part of) and 111-01-010, located at St. Clair Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 1510-04 passed December 6, 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, Dawud Ali has 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 Resolution 13-05, adopted by this Board of Control on January 12, 2005, is hereby amended by correcting the Ordinance No. 1501-04 to Ordinance No. 1510-04.

Be it further resolved that all other provisions of said Resolution No. 13-05 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Williams.

Nays: None.
Absent: None.

Resolution No. 94-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2302-04, passed by the Council of the City of Cleveland on December 13, 2004, Adache Ciuni Lynn Associates, Inc. is selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to obtain the engineering services necessary for the improvements to Jennings Road from Spring Road to Jennings Freeway Ramp.

Be it further resolved that the Director of Public Service is authorized to enter into a written contract with Adache Ciuni Lynn Associates, Inc. based on its proposal dated December 17, 2004, as amended by its revised cost proposal dated February 4, 2005, provided that the compensation to be paid shall not exceed Three Hundred Ninety Nine Thousand, Nine Hundred Ninety-Six Dollars and Ninety Six Cents (\$399,996.96). The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following consultants by Adache Ciuni Lynn Associates, Inc. for the above authorized contract is approved:

Central Engineering Inc.
869 West Bagley Road
Berea, Ohio 44017
(MBE) — \$37,991.00 — (9.50%)

J & L Laboratories, Inc.
215 Rainbow Street
Wadsworth, Ohio 44281
(MBE) — \$21,993.00 — (5.50%)

Resource Int., Inc.
1740 St. Clair Ave.
Cleveland, Ohio 44114
(FBE) — \$67,800.00 — (16.95%)

Oxbow Engineering, Inc.
10 West Erie Street, Suite 201
Painesville, Ohio 44077
(FBE) — \$12,700.00 — (3.17%)

United Survey, Inc.
25145 Broadway Avenue
Cleveland, Ohio 44146
\$16,264.00 — (4.07%)

Yeas: Mayor Campbell, Acting Directors Horvath, Schneider, Director Ciaccia, Acting Director Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, 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 stated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 14, 2005

9:30 A.M.

Calendar No. 05-30: 1976 West 79th Street (Ward 17)

Emerald Alliance LP, owner c/o Kristin Monroe, agent, appeal to construct a three-story, brick building proposed to provide 52 supportive housing units and office space, to be situated on a 61' x 264' corner lot in an E2/E3 Multi-Family District on the northwest corner of West 79th Street and Madison Avenue at 1976 West 79th Street; contrary to Section 355.04(b) a maximum gross floor area of 41,044 s/f is proposed where approximately 29,955 s/f is allowed; and along West 79th Street, the required front yard setback is 11.6' and approximately 1' is proposed contrary to Section 357.04(a); and contrary to Section 357.05(b)(1), where the rear lot line abuts a residence district on the rear third of a corner lot, a 10' distance from the street line shall be maintained and 6'-5-1/2" is proposed; and instead of the established 10' specific building line setback along Madison Avenue, 5'-7" is provided; and not less than a 20' rear yard depth is required, where a 6'-6-1/2" rear yard depth is proposed, contrary to Section 357.08(b)(1) of the Codified Ordinances.

Calendar No. 05-31: 7007 Quincy Avenue (Ward 5)

Advance Iron, Inc., owner, and Gary Gross, agent, appeal to install and maintain gates and approxi-

mately 160 linear feet of 7' high corrugated metal fence with 1' of coiled razor wire to be added across the top of the fence, along the frontage of a 212' x 261' irregular triangle shaped, corner lot, located in a General Industry District at the northeast corner of Quincy Avenue and East 70th Street at 7007 Quincy Avenue; contrary to Section 358.05(a)(1), a 7' fence height is proposed along the front yard and not more than a 6' height is allowed in actual front yards; and subject to the limitations of Section 358.06, the use of razor wire is not permitted and a 2'-2" distance is proposed, where placement of a fence with barbed wire shall be at least 4' back from the property line or public sidewalk, as stated in Section 358.06(c) of the Codified Ordinances.

Calendar No. 05-32: 19115 St. Clair Avenue (Ward 11)

Vincent Godina, owner, appeals to construct a parking lot at the front of a one-story commercial building, situated on a 65' x 193' lot in a General Industry District on the north side of St. Clair Avenue at 19115 St. Clair Avenue; as proposed, the parking is contrary to Section 357.14(a)(1) that prohibits the parking of motor vehicles in the established 15' front yard setback and Section 352.11 that requires a 6' wide frontage landscape strip along St. Clair Avenue; and subject to the requirements of Sections 349.07(c)(3), 349.07(b) and (a), a driveway providing accessibility to accessory off-street parking spaces shall be a maximum width of 30' measured at right angles to the angle of the driveway entrance and have an apron radius at the curb of not less than 6' or a curb cut of not more than 60' to provide a means for motor vehicles entering and leaving the parking facility without obstructing traffic; and accessory off-street parking spaces shall be provided with wheel or bumper guards, located so that no part of a parked vehicle extends beyond the parking space and that driveways and maneuvering areas are properly graded for drainage so that all water is drained within the parking lot, where accessory parking spaces shall be at least 180 s/f as stated in Section 325.03 of the Codified Ordinances.

Calendar No. 05-33: 12526 Kinsman Road (Ward 3)

Derek Jackson, owner, appeals to change an existing nonconforming store in a two-story mixed use building, situated on a 35' x 115' corner lot located in B1 Two-Family District on the southeast corner of Kinsman Road and East 126th Street at 12526 Kinsman Road; subject to the requirements for Nonconforming Uses, the substitution of a nonconforming use from a store to a beauty salon requires the Board of Zoning Appeals approval, as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 05-34: 6213 Dellbank Drive (Ward 16)

Philip Seger, owner, appeals to install approximately 10' of 6' high privacy fence along the western perimeter of a 40' x 125' lot in an

A1 Single Family District on the south side of Dellbank Drive at 6213 Dellbank Drive; contrary to the Fence Regulations, a 6' high fence is proposed where it is a 4' distance from a residence building on an adjoining lot, and no fence shall be erected higher than its distance from a residence building on an adjoining lot according to Section 358.04(a) of the Codified Ordinances.

Calendar No. 05-35: 2478 West 7th Street (Ward 13)
Cleveland Housing Network, owner c/o Paul Kapczuk, agent, appeals to change the use of an existing 2-story frame, two family dwelling to a one family dwelling, situated on a 33' x 150' lot in a Two-Family District on the west side of West 7th Street at 2478 West 7th Street; the proposed construction and change being contrary to Section 357.04, with a 27' front yard setback being provided where the average line of existing building setbacks is 65' and the total of existing nonconforming side yards is 9' and a total of 10' is required by Section 357.09(2)(b); and the Board of Zoning Appeals approval is required for the existing nonconforming building according to Section 359.01 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 28, 2005

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

The following appeals were **Approved**:

Calendar No. 05-22: 3200 West 33rd Street
Mercedarian Plaza LP appealed to erect a three-story, 30 unit senior housing building in a B1 Two-Family District.

Calendar No. 05-24: 1621 Clark Avenue
Marie and Edward Lipinski appealed to erect a 15' x 20' one-story frame accessory garage in a Multi-Family District.

Calendar No. 04-322: 11415-39 St. Clair Avenue
City of Cleveland Land Bank, owner, and Dave Ali, prospective purchaser, appealed to construct an accessory parking lot for a truck rental business in a Local Retail Business District; subject to conditions.

The following appeals were **Denied**:

None.

The following appeals were **Postponed**:

Calendar No. 05-23: 7300 Clark Avenue postponed to April 4, 2005.

Calendar No. 05-25: 11723-25 Union Avenue postponed to March 28, 2005.

Calendar No. 04-330: Appeal of North Coast Payphones ClevePhones, Inc. postponed to March 21, 2005.

Calendar No. 04-337: 11601 Wade Park Avenue Postponed to April 4, 2005.

In Executive Session on February 28, 2005, the following appeals heard by the Board on February 22, 2005 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 05-19: 2630-32 St. Clair Avenue
Oswgi Limited Partnership, owner, and WDOK Radio, lessee, appealed to install 69' of 6' high ornamental fence; subject to added landscaping.

Calendar No. 05-20: 2644-54 St. Clair Avenue
Oswgi Limited Partnership, owner, and WDOK Radio, lessee, appealed to install 49' of 6' high ornamental fence; subject to added landscaping.

The following appeal was **Denied**:

Calendar No. 05-21: 11843 St. John Avenue
Sabur Brown appealed to erect a 5' x 20' addition to an existing garage in an A1 One-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
February 23, 2005

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-9-05.

RE: Appeal of Case Western Reserve University C/O Schindler Elevator Corporation, Owner of the Property located on the premises known as 1691 East 118th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated February 11, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the elevator to be installed as requested, noting the review and acceptance of the safety requirements by the City of Cleveland chief elevator inspector and the Building Department. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

Docket A-10-05.

RE: Appeal of Kamm's Corners Development Corporation, Owner of the Property located on the premises known as 16710-30 Lorain Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 27, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that the ruling of the Board is to grant the required variances to allow the facility to be built as shown on the drawings with the understanding that the party walls are 12 inch solid masonry walls without penetrations through them; that a material developing a one hour equivalent fire rating be applied to the ceiling either by an application of intumescent paint or a material at the opening of the end walls; the variance is granted to the 40% requirement with the understanding that approximately 35% of the walls will be open. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-11-05.

RE: Appeal of The Ferchill Group, Owner of the Property located on the premises known as 1012 Prospect Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated February 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that the second floor area to be sprinklered as agreed upon between the Appellant and directed by the Fire Prevention Bureau to, preclude the spread of smoke from fire up to the upper floors through the interstitial space and with the understanding that the upgraded annunciator smoke detector system and the smoke detectors in the suites will provide smoke alarms throughout the building per current codes. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-13-05.

RE: Appeal of Michael Bongers, Owner of the Residential Property located on the premises known as 1438 West 48th Street from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated February 11, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require that a visual inspection be made of the installation of the fireplace flue to ensure the proper flue material and the proper clearances and to grant the variance to the requirement for the 18" clearance in front of the furnace, noting that the owner has accepted that condition as a hardship of maintenance. Motion so in

order. Motioned by Mr. Gallagher and seconded by Mr. Bradley. Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. 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-4-05—Curtis A. Hunt.
- A-6-05—Ameriquet Mortgage Company.
- A-7-05—Charles Christopher Real Estate.
- A-8-05—Sutton Builders

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley 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):

February 9, 2005

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, MARCH 9, 2005

Maplewood, McGowan & Mohican Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1114-02 and 2151-03, passed by the Council of the City of Cleveland, June 17, 2002 and December 15, 2003, respectively.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 3, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

One (1) Cab/Chassis with Rotary Snow Blower, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 1481-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 3, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Tire Recapping, for the Various Divisions, Department of Public Service, as authorized by Ordinance No. 773-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 3, 2005 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

February 23, 2005 and March 2, 2005

THURSDAY, MARCH 10, 2005

Ammunition, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 646-92, passed by the Council of the City of Cleveland, June 1, 1992.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 3, 2005 AT 10:00 A.M., DIVISION OF POLICE, OUTDOOR RANGE, 3700 WEST 58TH STREET, CLEVELAND, OHIO 44102.

One (1) Speed-Monitoring Trailer, for the Division of Motor Vehicle Maintenance, Department of Finance, as authorized by Ordinance No. 657-03, passed by the Council of the City of Cleveland, April 14, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MARCH 3, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

February 23, 2005 and March 2, 2005

FRIDAY, MARCH 18, 2005

Cable, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A MANDATORY PRE-BID MEETING WEDNESDAY, MARCH 9, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

February 23, 2005 and March 2, 2005

WEDNESDAY, MARCH 23, 2005

Cleaning and Cement Mortar Lining of Distribution Mains — Area A — 2005, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2293-04, passed by the Council of the City of Cleveland, January 31, 2005.

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, WEDNESDAY, MARCH 9, 2005 AT 2:00 P.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 23, 2005 and March 2, 2005

WEDNESDAY, MARCH 30, 2005

Cleaning and Cement Mortar Lining of Distribution Mains — Area B — 2005, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2293-04, passed by the Council of the City of Cleveland, January 31, 2005.

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, WEDNESDAY, MARCH 9, 2005 AT

2:00 P.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 23, 2005 and March 2, 2005

FRIDAY, MARCH 18, 2005

Purchase of Electronic Parking Meters with an 24-hour Clock, for the Division of Parking Facilities, Department of Parks, Recreation, & Properties, as authorized by Ordinance No. 2308-04, passed by the Council of the City of Cleveland, December 8, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY MARCH 11, 2005 AT 10:00A.M., DIVISION OF PARKING FACILITIES, 500 LAKESIDE AVENUE, 2ND FLOOR, CLEVELAND, OHIO 44114.

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

March 2, 2005 and March 9, 2005

WEDNESDAY, MARCH 30, 2005

Miscellaneous Test Equipment, Repair and Training, for the Division of Cleveland Public Power, Department of Public Utilities as authorized by Ordinance No. 247-04, passed by the Council of the City of Cleveland, May 3, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING** WEDNESDAY, MARCH 16, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

March 2, 2005 and March 9, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 236-05.

By Council Member Cimperman.
An emergency resolution declaring Cleveland City Council's support of the proposal of CMHA/McCormack Baron/Turbov for the development and construction of affordable housing using low-income housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates low-income housing tax credits for affordable housing developments throughout Ohio using a competitive proposal process and

Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing in Cleveland's neighborhoods; and

Whereas, Cuyahoga Metropolitan Housing Authority (CMHA) has been awarded a HOPE VI grant in the amount of \$19,649,000 for the demolition and redevelopment of the Valleyview Homes Estates site ("Valleyview"); and

Whereas, CMHA and McCormack Baron Salazar/Turbov Associates ("Developers") are proposing to develop Phase I consisting of one hundred ten (110) units of multifamily

housing on a portion of the Valleyview site; and

Whereas, approximately sixty-seven percent (67%) of these units will be occupied by qualified low-income individuals and families and approximately thirty-three percent (33%) by market-rate families; and

Whereas, no less than fifty percent (50%) of the units will be reserved for public housing eligible families; and

Whereas, none of these units are targeted for a special needs population as defined in the 2005 Qualified Allocation Plan; and

Whereas, the CMHA/McCormack Baron/Turbov proposal will benefit the citizens of 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 the Council of the City of Cleveland supports the proposal of CMHA/McCormack Baron/Turbov for the development of affordable housing using low-income housing tax credits awarded by the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit two certified copies of this resolution to the Executive Director of CMHA.

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 February 14, 2005.

Effective February 23, 2005.

Res. No. 245-05.

By Council Member Zone.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cogswell Hall, Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio House Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation are proposing to renovate and expand the Cogswell Hall facility located at 7200 Franklin Boulevard; and

Whereas, all forty (40) units will be single room occupancy units for single women with limited incomes; and

Whereas, one hundred percent (100%) of these units will be set aside for individuals with a household income at or below fifty percent (50%) of area median gross income; and

Whereas, there will be no market rate units; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation.

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

Adopted February 14, 2005.

Effective February 23, 2005.

Res. No. 246-05.

By Council Member Cimperman.
An emergency resolution with drawing objection to the renewal of a C2 and C2X Liquor Permit at 6029 Superior Avenue and repealing Resolution No. 1573-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 6029 Superior Avenue by Resolution No. 1573-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Superior 61st Street Beverage, Inc., 6029 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 8703270 be and the same is hereby withdrawn and Resolution No. 1573-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 14, 2005.

Effective February 23, 2005.

Res. No. 247-05.
By Council Member Dolan.
An emergency resolution with-
drawing objection to a New C1
Liquor Permit at 4217 Rocky River
Drive and repealing Resolution No.
2074-04, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 4217 Rocky River Drive by Resolution No. 2074-04 adopted by the Council on October 25, 2004; and

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

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

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

Section 1. That objection to a New C1 Liquor Permit to Culver's Trucking, Inc., DBA Autocare Unlimited, 4217 Rocky River Drive, Cleveland, Ohio 44135, Permanent Number 1849017, be and the same is hereby withdrawn and Resolution No. 2074-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted February 14, 2005.
 Effective February 23, 2005.

Ord. No. 13-05.
By Council Member Cimperman.
An emergency ordinance to amend
the title, Section 1, Section 2, and
Section 3 of Ordinance No. 43-04,
passed January 16, 2004, relating
to the sale of real property as part
of the Land Reutilization Program.

Whereas, Ordinance No. 43-04, passed January 16, 2004, authorized the sale of real property as part of the Land Reutilization Program to Cuyahoga County Metropolitan Housing Authority for new construction as part of its Valley View Hope VI Revitalization Plan in the Tremont Neighborhood; and

Whereas, it is necessary to amend Ordinance No. 43-04, passed January 16, 2004, to authorize the sale of such property to Cleveland Housing Network, Inc.; and

Whereas, it is necessary to amend Ordinance No. 43-04, passed January 16, 2004, to authorize the sale of an additional parcel of land; 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 title of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Cleveland Housing Network, Inc. for new construction as

part of the Valley View Hope VI Revitalization Plan in the Tremont Neighborhood.

Section 2. That Section 1 of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

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 Nos. 004-17-048, 004-17-049, 004-17-052, 004-17-053 and 004-17-054, as more fully described below, to Cleveland Housing Network, Inc. for new construction as part of the Valley View Hope VI Revitalization Plan in the Tremont Neighborhood.

Section 3. That Section 2 of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

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

P. P. No. 004-17-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Allotment of Sublot No. 3 in N.S. Calhoun's Re-Subdivision of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records and being 26.12 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 91.82 feet deep along the Southeasterly side of University Count S.W., 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. 004-17-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 130 feet of the Northerly one half of Sublot No. 152 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 130 feet deep, as appears by said plat, be the same more or less but subject to all legal highways.

P. P. No. 004-17-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the North-easterly 130 feet of the Southeasterly half of Sublot No. 152 in William Slade, Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 004-17-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown

by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows: January 21, 2004 The City Record 1171 Beginning on the Northerly line of Starkweather Avenue, S.W. at its intersection with the Southwesterly line of Thurman Street, S.W. which beginning point is also the Southeasterly corner of said Sublot No.151; thence Northwesterly along the Southwesterly line of Thurman Street, S.W. to the most Northerly corner of said Sublot No. 151; thence Southwesterly along the Northwesterly line of said Sublot No. 151, a distance of 36 feet to the most Northerly corner of a parcel of land conveyed to Christian Karkoff by deed dated January 20, 1875, and recorded in Volume 238, Page 460 of Cuyahoga County Records; thence Southeasterly parallel with the Southwesterly line of Thurman Street, S.W. and along the Easterly line of said parcel of land conveyed to Christian Karkoff to the Northerly line of Starkweather Avenue, S.W.; thence Easterly along the Northerly line of Starkweather Avenue, S.W. to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 004-17-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Starkweather Avenue, S.W., at the Southeasterly corner of a parcel of land conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, by deed dated June 7, 1923, and recorded in Volume 2806, Page 606 of Cuyahoga County Records; thence Easterly along the Northerly line of said Starkweather Avenue, S.W., to the Southwesterly corner of a parcel of land conveyed to Alex Rusnyk and Julia Rusnyk, by deed dated July 11, 1912, and recorded in Volume 1398, Page 417 of Cuyahoga County Records; thence Northwesterly along the Southwesterly line of said parcel so conveyed to Alex Rusnyk and Julia Rusnyk, about 71.84 feet to the most Westerly corner of said parcel and the Northwesterly line of the property of John Ripich and Elizabeth Ripich, as established by Court Decree in Common Pleas Court Case No. 109020; thence Southwesterly along said Northwesterly line, as decreed to the most Northerly corner of the parcel conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, aforesaid; thence Southerly along the Easterly line of said parcel so conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, 32.54 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 004-17-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in the William Slade Jr. Subdivision of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga

County Records, bounded and described as follows:

Beginning on the Northerly line of Starkweather Avenue, S.W., distant Westerly 164.29 feet from the intersection of said Northerly line of Starkweather Avenue, S.W., with the Westerly line of Thurman Street, S.W., said beginning point being at the intersection of the Northerly line of Starkweather Avenue, S.W., with the old fence line separating premises of John and Elizabeth Ripich from premises of Tom Maichrycz and Mary Maichrycz; thence Easterly along the Northwesterly line of premises of John and Elizabeth Ripich, as said line was established by Decree of Common Pleas Court of Case Tom Maichrycz and Mary Maichrycz against John Ripich and Elizabeth Ripich, said case being No. 109020 in the Court of Common Pleas of Cuyahoga County, Ohio 54.05 feet; thence Southerly along a line drawn at right angles with the Northerly line of Starkweather Avenue, S.W., 32.54 feet to the Northerly line of Starkweather Avenue, S.W., thence Westerly along the Northerly line of Starkweather Avenue, S.W. 43.15 feet to the place of beginning, according to the survey of Charles W. Root, Civil Engineer, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 4. That Section 3 of Ordinance No. 43-04, passed January 16, 2004, is hereby amended to read as follows:

Section 3. That all documents necessary to complete the conveyance

authorized by this ordinance amending Ordinance No. 43-04, passed January 16, 2004, shall be executed within six (6) months of the effective date of this ordinance amending Ordinance No. 43-04, 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 5. That the Title, existing Section 1, existing Section 2, and existing Section 3 of Ordinance No. 43-04, passed January 16, 2004, are hereby repealed.

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 February 14, 2005.
Effective February 23, 2005.

Ord. No. 134-05.
By Council Member Cimperman.
An emergency ordinance to name the mailroom located in City Hall, 601 Lakeside Avenue, as "Andrew M. Kyovsky Mailroom".

Whereas, Andrew M. Kyovsky ("Andy") began his service with the

City of Cleveland on February 3, 1964; and

Whereas, Andy was charming, outspoken, helpful, dedicated and always willing to help others when he could; and

Whereas, Andy's kindness and dedication were an inspiration to all who knew him; and

Whereas, it is appropriate to honor Andy's forty-one (41) years of service with the City of Cleveland; 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 mailroom located in City Hall, 601 Lakeside Avenue, is hereby named "Andrew M. Kyovsky Mailroom".

Section 2. That the Director of Parks, Recreation, and Properties is hereby authorized and directed to take the necessary action to give effect to this ordinance including the placement of proper signs.

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 February 14, 2005.
Effective February 23, 2005.

Ord. No. 237-05.

By Mayor Campbell.

An emergency ordinance approving the collective bargaining agreement with the Municipal Construction Equipment Operators' Labor Council; and amending Section 45 of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Municipal Construction Equipment Operators' Labor Council, under the terms contained in File No. 237-05-A, for the period from February 14, 2005 through March 31, 2007, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
3%	April 1, 2006

In addition to the percentage increase effective April 1, 2006, each member of the bargaining agreement will receive a separate payment in the amount of \$500.00 no later than May 1, 2005, which amount is not part of the member's wage base. Each member will also receive an additional separate payment in an amount up to \$2,500.00, which also is not part of the member's wage base, in recognition of no wage increases for the period of January 1, 2004 through January 31, 2005. This amount will be calculated based upon the formula set forth in the file. This payment will be made to the member within two weeks after passage of this ordinance.

Section 2. That Section 45 of Ordinance No. 384-03, passed March 10, 2003, is amended to read as follows:

Section 45. Hourly Rate - MCEO

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Construction Equipment - Group A	\$ 27.42	\$ 31.03
2. Construction Equipment - Group B	\$ 27.27	\$ 32.88
3. Master Mechanic.....	\$ 27.92	\$ 31.53

Section 3. That existing Section 45 of Ordinance No. 384-03, passed March 10, 2003, is repealed.

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

Passed February 14, 2005.
Effective February 23, 2005.

Ord. No. 243-05.
By Council Member Britt.
An emergency ordinance amending Section 2 of Ordinance No. 1687-04, passed September 13, 2004, as amended by Ordinance No. 1817-04, passed September 27, 2004, and as amended by Ordinance No. 2019-04, passed October 18, 2004 as it pertains to the InterAct Hunger Center Program through the use of Ward 6 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 1687-04, passed September 13, 2004, as amended by Ordinance No. 1817-04, passed September 27, 2004, and as amended by Ordinance No. 2019-04, passed October 18, 2004 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$31,368 and shall be paid from Fund No. 10 SF 166.

Section 3. That Section 2 of Ordinance No. 1687-04, passed September 13, 2004, as amended by Ordinance No. 1817-04, passed September 27, 2004, and as amended by Ordinance No. 2019-04, passed October 18, 2004 is hereby 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.

Passed February 14, 2005.
 Effective February 23, 2005.

Ord. No. 244-05.
By Council Member White.
An emergency ordinance amending Section 2 of Ordinance No. 1209-04, passed June 14, 2004, as amended by Ordinance No. 1367-04 passed July 14, 2004 as it pertains to the Community Employment Resources Center 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 Section 2 of Ordinance No. 1209-04, passed June 14, 2004, as amended by Ordinance No. 1367-04 passed July 14, 2004 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$61,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 1209-04, passed June 14, 2004, as amended by Ordinance No. 1367-04 passed July 14, 2004 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 February 14, 2005.
 Effective February 23, 2005.

COUNCIL COMMITTEE MEETINGS

**Monday, February 28, 2005
 2:00 p.m.**

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Gordon. *Pro-tem:* Lewis.

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